



Board of Commissioners

Agenda

15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-9200

November 9, 2021 - 9 a.m.

**Virtual meeting / Council Chambers - Courthouse
Room 300**

Pursuant to Minnesota Statutes Section 13D.021, the Chair of the Ramsey County Board of Commissioners has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic and the prevalence of the Delta variant. Commissioners will participate by telephone or other electronic means. In addition, it may not be feasible for commissioners, staff, or members of the public to be present at the regular meeting location due to the COVID-19 pandemic and the prevalence of the Delta variant. The meeting broadcast will be available online and linked via ramseycounty.us/boardmeetings. Members of the public and the media will be able to watch the public meeting live online.

ROLL CALL

PLEDGE OF ALLEGIANCE

1. **Agenda of November 9, 2021 is Presented for Approval.** [2021-567](#)

Sponsors: County Manager's Office

Approve the agenda of November 9, 2021.

2. **Minutes from November 2, 2021 are Presented for Approval** [2021-578](#)

Sponsors: County Manager's Office

Approve the November 2, 2021 Minutes.

ORDINANCE PROCEDURES

3. **Amendments to the Ramsey County Administrative Ordinance - Waive the Second Reading** [2021-560](#)

Sponsors: Public Health

Waive the second reading of amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

4. **Amendments to the Ramsey County Administrative Ordinance - Hold Public Hearing** [2021-561](#)

Sponsors: Public Health

Hold a public hearing on proposed amendments to the Ramsey County Administrative Ordinance, to afford the public an opportunity to comment on the ordinance amendments.

PRESENTATION OF AWARD

5. **Ramsey County Employee Achievement Awards: Bridget Marter - Finance Department and Zachary Hylton - Policy and Planning.** [2021-620](#)

Sponsors: Human Resources

None. For information and discussion only.

COVID UPDATE**ADMINISTRATIVE ITEMS**

6. **Joint Powers Agreement for Metropolitan Emergency Services Board** [2021-609](#)

Sponsors: Emergency Communications and Safety and Justice

1. Approve the Joint Powers Agreement with Anoka County, Carver County, Chisago County, Dakota County, Hennepin County, Isanti County, Scott County, Sherburne County, Washington County, and the city of Minneapolis for the operation of the Metropolitan Emergency Services Board for the period of January 1, 2022 through December 31, 2026.
2. Authorize the Chair and Chief Clerk to execute the agreement.
3. Authorize the County Manager to appoint members and alternates to the Technical Operations Committees of the Metropolitan Emergency Services Board during the term of the agreement.

7. **Grant Award from Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training** [2021-540](#)

Sponsors: Workforce Solutions

1. Ratify the submittal of the Supplemental Nutrition Assistance Program Employment and Training Workplan/grant application to the Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training.
2. Authorize the acceptance and expenditure of grant awarded funds of \$126,794 for FFY2022 from the Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training for the period of October 1, 2021 through September 30, 2022.
3. Authorize the County Manager to execute the Grant Allocation Award.
4. Authorize the County Manager to apply for and accept additional Supplemental Nutrition Assistance Program Employment and Training grant funds from the Minnesota Department of Human Services for the period of October 1, 2021 through September 30, 2022.
5. Authorize the County Manager to enter into agreements and contracts and execute amendments to agreements and contracts in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.
6. Authorize the County Manager to make temporary transfers, as needed, from the County General Fund to Workforce Solutions to cover program expenses until program funds are received, with repayment to be made upon receipt of the funds.

8. **Minnesota Family Investment Program Biennial Service Agreement for 2022-2023** [2021-593](#)

Sponsors: Workforce Solutions

1. Approve the submission of an application to the Minnesota Department of Human Services for the 2022-2023 Minnesota Family Investment Program Biennial Service Agreement Grant in an amount of \$20,370,954.
2. Authorize the acceptance and expenditure of grant awarded funds from the Minnesota Department of Human Services for the Temporary Assistance for Needy Families Block Grant for the period of January 1, 2022 through December 31, 2023.
3. Authorize the County Manager to apply for and accept additional Grant funds from the Minnesota Department of Human Services for the period of January 1, 2021 through December 31, 2023.
4. Authorize the County Manager to enter into agreements and contracts and execute amendments to agreements and contracts in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.
5. Authorize the County Manager to make temporary transfers, as needed, from the County General Fund to Workforce Solutions to cover program expenses until program funds are received, with repayment to be made upon receipt of the funds.

POLICY ITEM

9. Presentation: American Rescue Plan Act Funding Request for Tier 1 Priority Administrative Items

[2021-652](#)

Sponsors: Finance

None. For information and discussion only.

COUNTY CONNECTIONS

OUTSIDE BOARD AND COMMITTEE REPORTS

BOARD CHAIR UPDATE

ADJOURNMENT

Following County Board Meeting:

10:30 a.m (estimated): County Board Workshop - Redistricting for 2022

Join via Zoom Webinar:

<https://zoom.us/j/97054659570?pwd=S0pjbHhCWjRtMIA1V1BDMnNUenBsdz09>

Webinar ID: 970 5465 9570 | Passcode: 534748 | Phone: 1-651-372-8299

1:30 p.m.: County Board Workshop - American Rescue Plan Act Funds for Violence Prevention Initiatives

Join via Zoom Webinar:

<https://zoom.us/j/91686699374?pwd=a01keDFIVUIqVzZXWEQ4MGdZN1hkdz09>

Webinar ID: 916 8669 9374 | Passcode: 925411 | Phone: 651-372-8299

Advance Notice:

November 16, 2021 County board meeting – Council Chambers

November 23, 2021 County board meeting – Council Chambers
November 30, 2021 No county board meeting – 5th Tuesday
December 7, 2021 No county board meeting – Assoc. of MN. Counties Annual Conference



Board of Commissioners

Request for Board Action

15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-9200

Item Number: 2021-567

Meeting Date: 11/9/2021

Sponsor: County Manager's Office

Title

Agenda of November 9, 2021 is Presented for Approval.

Recommendation

Approve the agenda of November 9, 2021.



Board of Commissioners

Request for Board Action

15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-9200

Item Number: 2021-578

Meeting Date: 11/9/2021

Sponsor: County Manager's Office

Title

Minutes from November 2, 2021 are Presented for Approval

Recommendation

Approve the November 2, 2021 Minutes.

Attachments

1. November 2, 2021 Minutes



Board of Commissioners

Minutes

15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-9200

November 2, 2021 - 9 a.m.

Virtual meeting / Council Chambers - Courthouse
Room 300

The Ramsey County Board of Commissioners met in regular session at 9:00 a.m. with the following members present: Frethem, MatasCastillo, McDonough, McGuire, Ortega, Reinhardt, and Chair Carter. Also present were Ryan O'Connor, County Manager, and Sam Clark, Civil Division Director, Ramsey County Attorney's Office.

ROLL CALL

Present: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

PLEDGE OF ALLEGIANCE

1. Agenda of November 2, 2021 is Presented for Approval. [2021-565](#)

Sponsors: County Manager's Office

Approve the agenda of November 2, 2021.

Motion by McGuire, seconded by Ortega. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

2. Minutes from October 26, 2021 are Presented for Approval [2021-577](#)

Sponsors: County Manager's Office

Approve the October 26, 2021 Minutes.

Motion by MatasCastillo, seconded by Frethem. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

COVID UPDATE

Presented by County Manager Ryan O'Connor and Laura Andersen, Deputy Incident Commander - Public Health. Discussion can be found on archived video.

ADMINISTRATIVE ITEMS

3. Third Amendment to the Lease Agreement with the State of Minnesota for space at Metro Square [2021-605](#)

Sponsors: Property Management

1. Approve the third amendment to the lease agreement with the State of Minnesota, 50 Sherburne Ave., #309, St. Paul, MN, for space at Metro Square, 121 7th Place East, St. Paul, MN for the period from January 1, 2022 through June 31, 2022 at the current lease rental rate of \$20.08 per square foot, with all other terms remaining in effect and unchanged.

2. Authorize the Chair and Chief Clerk to execute the lease amendment.

Motion by MatasCastillo, seconded by Ortega. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: B2021-240

4. Certification of Property Assessed Clean Energy Charges for Energy Improvements

[2021-606](#)

Sponsors: Community & Economic Development

1. Ratify the removal of the special assessment on the following property:

Owner: St. Paul Wabasha Partners, LLC

Property Address: 386 Wabasha Street N, Saint Paul

PIN: 062822120033

Assessment Request: \$12,000,000

Interest Rate: 6.44%

Interest Starts Accruing: 01/01/2022

Term: 20 years

2. Request the County Auditor to extend the proposed special assessment plus interest on the following property:

Owner: Drake Building, LLC

Property Address: 60 Plato Blvd, Saint Paul

PIN: 05-28-22-33-0059

Project Type: Energy efficient HVAC

Assessment Request: \$440,000

Interest Rate: 4.25 %

Interest Starts Accruing: 01/01/2022

Finance Period: 10 years

3. Request the County Auditor to extend the proposed special assessment plus interest on the following property:

Owner: Hmong Village, LLC

Property Address: 1001 Johnson Parkway, Saint Paul

PIN: 27-29-22-23-0082

Project Type: Lighting upgrade to LED

Assessment Request: \$315,000

Interest Rate: 5.00 %

Interest Starts Accruing: 07/01/2021

Finance Period: 10 years

Such assessments shall be payable in equal annual principal and interest installments extending over the term of the special assessment. The first of the installments shall be payable with general property taxes in 2022, and shall bear interest at the rates per annum and interest start date stated above, and to the first installment shall be added interest on the entire assessment from the interest start date until December 31 of the tax payable year to which the first installment will be extended, and to each subsequent installment, when due, shall be added interest for one year on all unpaid installments and to each installment shall also be added the special assessment administration fee required by Minnesota Statutes section 429.061, subd. 5.

4. Direct the Chief Clerk to send a certified copy of this Resolution to the County Auditor to ratify the removal of the previously approved assessment for St. Paul Wabasha Partners, LLC and to extend the assessments for Drake Building, LLC and Hmong Village, LLC on the property tax lists of the county.

Motion by MatasCastillo, seconded by Ortega. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: B2021-241

ORDINANCE PROCEDURES

5. Proposed Enterprise and Administrative Services Department Ordinance [2021-621](#)

Sponsors: Information and Public Records

Approve the Proposed Enterprise and Administrative Services Department Ordinance.

Motion by McDonough, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: B2021-242

COUNTY CONNECTIONS

Presented by County Manager, Ryan O'Connor. Discussion can be found on archived video.

OUTSIDE BOARD AND COMMITTEE REPORTS

Discussion can be found on archived video.

BOARD CHAIR UPDATE

Presented by Chair Carter. Discussion can be found on archived video.

ADJOURNMENT

Chair Carter declared the meeting adjourned at 10:10 a.m.

Board of Commissioners

Request for Board Action

Item Number: 2021-560

Meeting Date: 11/9/2021

Sponsor: Public Health

Title

Amendments to the Ramsey County Administrative Ordinance - Waive the Second Reading

Recommendation

Waive the second reading of amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

Background and Rationale

Public Health is proposing amendments to the Ramsey County Administrative Ordinance to authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations. Section 6.00 of the Administrative Ordinance authorizes various enforcement tools that county departments may use when county ordinances are violated. They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recovery costs. Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and entity in violation. Section 6.02 authorizes "any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue [misdemeanor] citations for violations thereof."

The use of misdemeanor citations is a problem for two reasons. First, it makes the violator a criminal and the process takes the violator through the state's criminal court system. For many violations this is a severe option. Second, the Minnesota Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access (and, hence, the ability to issue citations) to licensed law enforcement officers. This means that county departments that administer various ordinances cannot have staff issue citations but must request local law enforcement to do so. This is an impractical method of enforcement.

The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through a county administrative appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview and White Bear Lake.

The Environmental Health Division of Public Health administers ordinances to which this authority would apply, including ordinances for Food Protection, Public Swimming Pools, Lodging Establishments, Manufactured Home Park, Ramsey County Clean Indoor Air, Public Health Nuisance, Youth Camp, Solid Waste Management and Hazardous Waste Management.

Departmental procedures are in place to assure compliance with ordinances, the last step of which is enforcement action. In Public Health, for example, the department's compliance policy requires several steps to work with licensees to come into compliance before enforcement action is taken. The focus of enforcement is to provide guidance to compliance. When operators refuse or fail to make corrections, enforcement options are evaluated for each situation, and action is taken only after management approval.

The proposed amendments create the steps for issuing and processing administrative citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing to appeal), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for hearings. An ordinance summary is part of this request for board action.

Public Health has conducted community engagement in developing these amendments and used the feedback provided to shape the proposed changes and inform internal policy and procedure development. The community engagement work is described in the attached Community Engagement document.

The Ramsey County Administrative Ordinance was first adopted on February 23, 1981 (Resolution #81-166) and has been amended three times, with the most recent being in 2009 (Resolution #2009-362). The Ramsey County Home Rule Charter section 5.02 states each proposed administrative ordinance shall receive two readings: first, at the time it is presented, and second, at the time of the public hearing as required by law. Both readings may be waived if a copy of the ordinance is supplied to each member of the county board prior to its introduction.

In accordance with these requirements, the proposed amendments to the Ramsey County Administrative Ordinance were provided to each commissioner prior to its introduction on October 13, 2021.

County Goals (Check those advanced by Action)

- Well-being
- Prosperity
- Opportunity
- Accountability

Racial Equity Impact

Once approved, this action will provide a decriminalized penalty for violation of county ordinances as an alternative to misdemeanor citations. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

Community Participation Level and Impact

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. An online and mailed survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Spanish and Chinese) and those were provided.

There were 186 responses to the online survey (out of 1428 invited by email) and one mailed survey response (out of 11 invited by mail); no stakeholders chose to provide feedback at any of the virtual listening sessions. Responses were collected August 10 through September 6, 2021.

More information about the community engagement efforts by Public Health is included in attached documents and can be found online at:

<https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>

- Inform
- Consult
- Involve
- Collaborate
- Empower

Fiscal Impact

Payments of penalties for administrative citations would accrue to the county, but it is expected that few citations would be issued, and the fiscal impact would be minimal.

Fees related to this were \$0 in 2020.

Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account.

County Manager Comments

No additional comments.

Last Previous Action

On October 19, 2021, the Ramsey County Board waived the first reading of the proposed amendments (Resolution B2021-223) and set a public hearing for November 9, 2021 (Resolution B2021-224).

On October 20, 2009, the Ramsey County Board approved adoption of the most recent revisions to the Ramsey County Administrative Ordinance (Ordinance 2009-362).

Attachments

1. Summary of Amendments to the Ramsey County Administrative Ordinance
2. Redlined amendments to the Ramsey County Administrative Ordinance
3. Clean Amendments to the Ramsey County Administrative Ordinance
4. Summary of Community Engagement by Public Health
5. Schedule of Events

Summary of Amendments to the Ramsey County Administrative Ordinance

- The Ramsey County Administrative Ordinance is a general ordinance that applies to various activities that Ramsey County regulates. It provides a framework for licensing procedures, variances, inspections, enforcement, and hearings.
- The proposed amendments introduce a new enforcement tool for use by county departments.
- The amendments to the Administrative Ordinance would authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations.
- Section 6.00 of the Administrative Ordinance authorizes various enforcement tools currently available to county departments to use when county ordinances are violated.
 - They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recover costs.
 - Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and violator.
- The use of misdemeanor citations is a problem for two reasons.
 - First, it makes the violator a criminal and the process takes the violator through the state’s criminal court system. For many violations this is a severe option.
 - Second, the state Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access and the ability to issue citations. This is an impractical method of enforcement.
- The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through county administrative process rather than the state court system.
- The proposed amendments create the steps for issuing and processing citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for appealing the citation through a hearing process.
- Other local jurisdictions in Ramsey County already use this enforcement mechanism, including the cities of Maplewood, Roseville, Shoreview, and White Bear Lake.
- It is expected that these amendments would be used mostly by the Public Health Department, which has procedures in place to assure compliance with ordinances, the last step of which is enforcement action.
- A specific ordinance summary follows:

Section 6.02.A Misdemeanor Citations – misdemeanor citations separated into a standalone category.

Section 6.02.B Administrative Citations – an administrative citation option for ordinance enforcement is added.

Section 6.02.B.1 Purpose and Findings – explanation of the purpose for adding administrative citation:

- While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused.
- The delay inherent in that system does not ensure prompt resolution.
- Some administrative regulation violations need not always be treated as a criminal offense.
- The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations.
- The criminal process does not always regard Ramsey County Ordinance violations as being important.

Section 6.02.B.2 Administrative Citations and Civil Penalties – identifies which sections of the administrative ordinance cover administrative citations and civil penalties.

Section 6.02.B.3 General provisions – A violation of county ordinance is subject to administrative citation and civil penalties. Each separate day a violation takes place is considered a unique violation, and subject to a new administrative citation.

Section 6.02.B.4 Civil Penalties – penalties, or the payment for a citation for a violation, are established by the Ramsey County Board by resolution and will be submitted for annual review and approval.

Section 6.02.B.5 Administrative Citation – specifies who can issue an administrative citation, what information must be included with the citation, and how it must be delivered to the person cited.

Section 6.02.B.5.a Response to Citation – provides options a cited person has for responding to a citation. There are two options:

- Admit the violation stated in the citation and agree to pay the fine.
- Deny the violation stated in the citation and request a hearing.

Section 6.02.B.6 Administrative Citation Hearing – title added; the details in this section describe how hearings are held.

Section 6.02.B.6.a Hearing Officers – the county must create a list of hearing officers to which a hearing request will be assigned, hearing officers must not be employees of the county and must be evaluated for their performance by persons cited and county staff, and reports on hearing officers must be provided to the County Board.

Section 6.02.B.6.a.I Removal of Hearing Officer – creates a system to replace a hearing officer if there are concerns about the assigned hearing officer by the person cited or by the county.

Section 6.02.B.6.b Request for Hearing – the county must respond to a hearing request within two business days, assign the case to a hearing officer, notify the person cited and the hearing

officer it has been assigned, and the hearing officer has up to 20 business days to schedule the hearing meeting.

Section 6.02.B.6.c Citation Materials – the county must send information about the citation to the hearing officer when the case is assigned to them, and the hearing officer must be send that information to the person cited at least three business days before the hearing meeting.

Section 6.02.B.6.d Notice of Hearing – the hearing officer must provide at least 10 business days of notice to the county and cited person before the scheduled hearing meeting date.

Section 6.02.B.6.e Hearing – specifies the hearing meeting procedures and hearing officer responsibilities during the hearing meeting.

Section 6.02.B.6.f Decision/Findings – the hearing officer must decide the case and notify parties about the findings within five business days after the hearing meeting and provides references to other state laws that a cited person may follow to continue a judicial appeal if desired.

Section 6.02.B.6.g – describes consequences if a cited person fails to attend a hearing and provides certain reasons that missing a scheduled hearing meeting may be excused.

Section 6.02.B.7 Payment Following Finding of Violation – the civil penalty must be paid within 20 business days after a hearing officer’s finding of a violation and the hearing officer cannot adjust civil penalties in the case of a violation.

Section 6.02.B.8 Recovery of Civil Penalties –the ways the county may collect a civil penalty include a property lien, collections, and late fees for non-payment.

Section 6.02.B.9 Criminal Penalties – establishes two reasons that an administrative citation may become a crime: 1) not attending a requested hearing and 2) not paying a civil penalty. This section also establishes that if a hearing officer found that no violation occurred, the county cannot continue with criminal prosecution for the same issue.

Section 6.02.C Issuance – adds the two types of citations (administrative and criminal) to the existing language describing to whom a citation is to be issued.

RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
 - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
 - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
 - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
 - B. If the payment is submitted more than thirty days from the due date,
 - 1. the license application may be denied,
 - 2. the activity for which a license is required shall cease, and
 - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
 - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11th) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice

of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
 2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

5.00 INSPECTION

5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:

1. reviewing files, records, plans, and other documents, in both paper and electronic form;
2. physical access to all areas of a site or facility;

3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 ENFORCEMENT

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.

A. Form of Misdemeanor Citations: Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.

B. Administrative Citations:

- 1. Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

- 2. Administrative Citations and Civil Penalties.** This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
- 3. General provisions.** A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
- 4. Civil Penalties.** Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
- 5. Administrative Citation.** The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.

 - a) Response to Citation.** A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:

 - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.**
 - II. Deny the violation stated in the citation and request a hearing.**
- 6. Administrative Citation Hearing.**

 - a) Hearing Officers.** The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.

 - I. Removal of Hearing Officer.** The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
 - b) Request For Hearing.** If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) **Citation Materials.** At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
- d) **Notice of Hearing.** Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
- e) **Hearing.** At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
- f) **Decision/Findings.** After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
- g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.

- 7. **Payment Following Finding of Violation.** If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
- 8. **Recovery of Civil Penalties.** If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
 - a) A lien may be assessed against the property and collected in the same manner as taxes.
 - b) A personal obligation may be collected by appropriate legal means.
 - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
- 9. **Criminal Penalties.** The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty

imposed by a hearing officer within twenty (20) County working days after it was imposed, or such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

C. Issuance: ~~The Administrative or Criminal Citations~~ shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.

B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.

7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.

7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.

7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.

7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.

7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), and March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

~~Adopted by the Board of Ramsey County Commissioners this 20th day of October 2009, by Resolution #2009-362.~~

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DATE OF PUBLIC HEARING:
 DATE OF PASSAGE BY COUNTY BOARD:
 DATE OF PUBLICATION:
 EFFECTIVE DATE OF ORDINANCE:

RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
 - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
 - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
 - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
 - B. If the payment is submitted more than thirty days from the due date,
 - 1. the license application may be denied,
 - 2. the activity for which a license is required shall cease, and
 - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
 - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11th) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice

of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
 - 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
 - 2. The variance is proved necessary in order to secure for the applicant a right or right enjoyed by other persons in the same area or district.
 - 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
 - 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
 - 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

5.00 INSPECTION

- 5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:
 - 1. reviewing files, records, plans, and other documents, in both paper and electronic form;
 - 2. physical access to all areas of a site or facility;

3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 ENFORCEMENT

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.
- A. **Misdemeanor Citations:** Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.
 - B. **Administrative Citations:**
 1. **Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

2. Administrative Citations and Civil Penalties. This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
3. General provisions. A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
4. Civil Penalties. Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
5. Administrative Citation. The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.
 - a) Response to Citation. A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:
 - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.
 - II. Deny the violation stated in the citation and request a hearing.
6. Administrative Citation Hearing.
 - a) Hearing Officers. The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.
 - I. Removal of Hearing Officer. The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
 - b) Request For Hearing. If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) Citation Materials. At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
 - d) Notice of Hearing. Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
 - e) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
 - f) Decision/Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
 - g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.
7. Payment Following Finding of Violation. If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
8. Recovery of Civil Penalties. If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
- a) A lien may be assessed against the property and collected in the same manner as taxes.
 - b) A personal obligation may be collected by appropriate legal means.
 - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
9. Criminal Penalties. The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty imposed by a hearing officer within twenty (20) County working days after it was imposed, or

such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

- C. Issuance: Administrative or Criminal Citations shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

- A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.
- B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

- 7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.
- 7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.
- 7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.
- 7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.
- 7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.
- 7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.
- 7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

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DATE OF PUBLIC HEARING:
DATE OF PASSAGE BY COUNTY BOARD:
DATE OF PUBLICATION:
EFFECTIVE DATE OF ORDINANCE:

Proposed Administrative Ordinance Change Community Engagement and Racial Equity Summary

PARTICIPATION SUMMARY

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. Based on regulatory staff's experience working with these organizations over the years, a straightforward online survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content.

To encourage and support participation, all licensees or regulated businesses with an email address on file were invited by, or on behalf of, their Ramsey County inspector; this group included 1428 unique invitees. Eleven licensees did not have an address on file and were sent surveys by mail along with a self-addressed stamped envelope. Unique survey response collectors were set up for each group of licensees, and response numbers were actively tracked so staff could do additional outreach as needed. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Chinese and Spanish) and those were provided.

Three listening sessions were held on August 17 at 6pm, August 18 at 2pm, and August 19 at 9am. Information to be presented and questions asked during the listening sessions were identical to the online survey. No stakeholders attended any of these listening sessions.

There were 186 responses to the online survey and one mailed survey response. Responses were collected August 10 through September 6, 2021.

ENGAGEMENT SUMMARY ANALYSIS

Some clear themes emerged from the community engagement results:

- There was overwhelming support for the proposed change to add a civil citation before the misdemeanor criminal citation; commonly cited reasons included the following:
 - The civil (non-criminal) enforcement tool better aligns with the nature of the regulations.

- This approach is more likely to motivate compliance by regulated entities, thus reducing risk to the public.
- A wider range of enforcement options may increase county education and enforcement efforts.
- A general desire for more information and education about county rules, enforcement processes and potential fine amounts from a civil citation.
- More and clearer opportunities to correct violations before enforcement, and clearer guidance from county staff on how to do that.
- An appeals request timeframe longer than the proposed 10 days.
- Assurance that the appeals hearing officer would be unbiased, knowledgeable about the regulated businesses, and selected with consideration to racial diversity and professional background.

Some of these are already addressed by existing county enforcement policies, while others provide useful guidance to refine the proposed ordinance and improve the county's regulatory education and outreach processes.

RACIAL EQUITY CONSIDERATIONS

Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health Department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

The public health regulations in Ramsey County ordinances provide protections for the health of the community and the natural environment. The proposed changes strike a reasonable balance between fair and equitable enforcement of ordinances and adequate protection of our community's health and environment.

MORE INFORMATION

A copy of the complete community engagement compilation and analysis report and details about the proposed ordinance revisions can be found here: <https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>

PROPOSED SCHEDULE OF EVENTS
Public Health Department

October 19, 2021	First Reading of Ordinance Set Date for Public Hearing
November 09, 2021	Second Reading of Ordinance Hold Public Hearing
November 23, 2021	Action on Ordinance Adoption
January 07, 2022	Effective date of Ordinance (45-day referendum periods ends)

Item Number: 2021-561

Meeting Date: 11/9/2021

Sponsor: Public Health

Title

Amendments to the Ramsey County Administrative Ordinance - Hold Public Hearing

Recommendation

Hold a public hearing on proposed amendments to the Ramsey County Administrative Ordinance, to afford the public an opportunity to comment on the ordinance amendments.

Background and Rationale

Public Health is proposing amendments to the Ramsey County Administrative Ordinance to authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations. Section 6.00 of the Administrative Ordinance authorizes various enforcement tools that county departments may use when county ordinances are violated. They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recovery costs. Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and entity in violation. Section 6.02 authorizes "any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue [misdemeanor] citations for violations thereof."

The use of misdemeanor citations is a problem for two reasons. First, it makes the violator a criminal and the process takes the violator through the state's criminal court system. For many violations this is a severe option. Second, the Minnesota Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access (and, hence, the ability to issue citations) to licensed law enforcement officers. This means that county departments that administer various ordinances cannot have staff issue citations but must request local law enforcement to do so. This is an impractical method of enforcement.

The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through a county administrative appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview and White Bear Lake.

The Environmental Health Division of Public Health administers ordinances to which this authority would apply, including ordinances for Food Protection, Public Swimming Pools, Lodging Establishments, Manufactured Home Park, Ramsey County Clean Indoor Air, Public Health Nuisance, Youth Camp, Solid Waste Management and Hazardous Waste Management.

Departmental procedures are in place to assure compliance with ordinances, the last step of which is enforcement action. In Public Health, for example, the department's compliance policy requires several steps to work with licensees to come into compliance before enforcement action is taken. The focus of enforcement is to provide guidance to compliance. When operators refuse or fail to make corrections, enforcement options are evaluated for each situation, and action is taken only after management approval.

The proposed amendments create the steps for issuing and processing administrative citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing to appeal), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for hearings. An ordinance summary is part of this request for board action.

Public Health has conducted community engagement in developing these amendments and used the feedback provided to shape the proposed changes and inform internal policy and procedure development. The community engagement work is described in the attached Community Engagement document.

The Ramsey County Administrative Ordinance was first adopted on February 23, 1981 (Resolution #81-166) and has been amended three times, with the most recent being in 2009 (Resolution #2009-362).

The Ramsey County Home Rule Charter (Charter) states the process for the introduction and adoption of proposed ordinances. The Charter requires that a Public Hearing be held so that the public may be afforded an opportunity to comment on the proposed administrative ordinance and must be held no sooner than ten days following the first reading and presentation of the proposed administrative ordinance. The Public Hearing is being proposed to be held on November 9, 2021, at 9:00 a.m., or as soon as possible thereafter.

County Goals (Check those advanced by Action)

- Well-being
- Prosperity
- Opportunity
- Accountability

Racial Equity Impact

Once approved, this action will provide a decriminalized penalty for violation of county ordinances as an alternative to misdemeanor citations. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

Community Participation Level and Impact

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. An online and mailed survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Spanish and Chinese) and those were provided.

There were 186 responses to the online survey (out of 1428 invited by email) and one mailed survey response (out of 11 invited by mail); no stakeholders chose to provide feedback at any of the virtual listening sessions. Responses were collected August 10 through September 6, 2021.

More information about the community engagement efforts by Public Health is included in attached documents and can be found online at:

<https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>

- Inform
- Consult
- Involve
- Collaborate
- Empower

Fiscal Impact

Payments of penalties for administrative citations would accrue to the county, but it is expected that few citations would be issued, and the fiscal impact would be minimal.

Fees related to this were \$0 in 2020.

Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account.

County Manager Comments

No additional comments.

Last Previous Action

On October 19, 2021, the Ramsey County Board waived the first reading of the proposed amendments (Resolution B2021-223) and set a public hearing for November 9, 2021 (Resolution B2021-224).

On October 20, 2009, the Ramsey County Board approved adoption of the most recent revisions to the Ramsey County Administrative Ordinance (Ordinance 2009-362).

Attachments

1. Summary of Amendments to the Ramsey County Administrative Ordinance
2. Redlined amendments to the Ramsey County Administrative Ordinance
3. Clean Amendments to the Ramsey County Administrative Ordinance
4. Summary of Community Engagement by Public Health
5. Affidavit of Publication
6. Schedule of Events

Summary of Amendments to the Ramsey County Administrative Ordinance

- The Ramsey County Administrative Ordinance is a general ordinance that applies to various activities that Ramsey County regulates. It provides a framework for licensing procedures, variances, inspections, enforcement, and hearings.
- The proposed amendments introduce a new enforcement tool for use by county departments.
- The amendments to the Administrative Ordinance would authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations.
- Section 6.00 of the Administrative Ordinance authorizes various enforcement tools currently available to county departments to use when county ordinances are violated.
 - They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recover costs.
 - Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and violator.
- The use of misdemeanor citations is a problem for two reasons.
 - First, it makes the violator a criminal and the process takes the violator through the state’s criminal court system. For many violations this is a severe option.
 - Second, the state Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access and the ability to issue citations. This is an impractical method of enforcement.
- The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through county administrative process rather than the state court system.
- The proposed amendments create the steps for issuing and processing citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for appealing the citation through a hearing process.
- Other local jurisdictions in Ramsey County already use this enforcement mechanism, including the cities of Maplewood, Roseville, Shoreview, and White Bear Lake.
- It is expected that these amendments would be used mostly by the Public Health Department, which has procedures in place to assure compliance with ordinances, the last step of which is enforcement action.
- A specific ordinance summary follows:

Section 6.02.A Misdemeanor Citations – misdemeanor citations separated into a standalone category.

Section 6.02.B Administrative Citations – an administrative citation option for ordinance enforcement is added.

Section 6.02.B.1 Purpose and Findings – explanation of the purpose for adding administrative citation:

- While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused.
- The delay inherent in that system does not ensure prompt resolution.
- Some administrative regulation violations need not always be treated as a criminal offense.
- The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations.
- The criminal process does not always regard Ramsey County Ordinance violations as being important.

Section 6.02.B.2 Administrative Citations and Civil Penalties – identifies which sections of the administrative ordinance cover administrative citations and civil penalties.

Section 6.02.B.3 General provisions – A violation of county ordinance is subject to administrative citation and civil penalties. Each separate day a violation takes place is considered a unique violation, and subject to a new administrative citation.

Section 6.02.B.4 Civil Penalties – penalties, or the payment for a citation for a violation, are established by the Ramsey County Board by resolution and will be submitted for annual review and approval.

Section 6.02.B.5 Administrative Citation – specifies who can issue an administrative citation, what information must be included with the citation, and how it must be delivered to the person cited.

Section 6.02.B.5.a Response to Citation – provides options a cited person has for responding to a citation. There are two options:

- Admit the violation stated in the citation and agree to pay the fine.
- Deny the violation stated in the citation and request a hearing.

Section 6.02.B.6 Administrative Citation Hearing – title added; the details in this section describe how hearings are held.

Section 6.02.B.6.a Hearing Officers – the county must create a list of hearing officers to which a hearing request will be assigned, hearing officers must not be employees of the county and must be evaluated for their performance by persons cited and county staff, and reports on hearing officers must be provided to the County Board.

Section 6.02.B.6.a.I Removal of Hearing Officer – creates a system to replace a hearing officer if there are concerns about the assigned hearing officer by the person cited or by the county.

Section 6.02.B.6.b Request for Hearing – the county must respond to a hearing request within two business days, assign the case to a hearing officer, notify the person cited and the hearing

officer it has been assigned, and the hearing officer has up to 20 business days to schedule the hearing meeting.

Section 6.02.B.6.c Citation Materials – the county must send information about the citation to the hearing officer when the case is assigned to them, and the hearing officer must be send that information to the person cited at least three business days before the hearing meeting.

Section 6.02.B.6.d Notice of Hearing – the hearing officer must provide at least 10 business days of notice to the county and cited person before the scheduled hearing meeting date.

Section 6.02.B.6.e Hearing – specifies the hearing meeting procedures and hearing officer responsibilities during the hearing meeting.

Section 6.02.B.6.f Decision/Findings – the hearing officer must decide the case and notify parties about the findings within five business days after the hearing meeting and provides references to other state laws that a cited person may follow to continue a judicial appeal if desired.

Section 6.02.B.6.g – describes consequences if a cited person fails to attend a hearing and provides certain reasons that missing a scheduled hearing meeting may be excused.

Section 6.02.B.7 Payment Following Finding of Violation – the civil penalty must be paid within 20 business days after a hearing officer’s finding of a violation and the hearing officer cannot adjust civil penalties in the case of a violation.

Section 6.02.B.8 Recovery of Civil Penalties –the ways the county may collect a civil penalty include a property lien, collections, and late fees for non-payment.

Section 6.02.B.9 Criminal Penalties – establishes two reasons that an administrative citation may become a crime: 1) not attending a requested hearing and 2) not paying a civil penalty. This section also establishes that if a hearing officer found that no violation occurred, the county cannot continue with criminal prosecution for the same issue.

Section 6.02.C Issuance – adds the two types of citations (administrative and criminal) to the existing language describing to whom a citation is to be issued.

RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
 - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
 - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
 - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
 - B. If the payment is submitted more than thirty days from the due date,
 - 1. the license application may be denied,
 - 2. the activity for which a license is required shall cease, and
 - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
 - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11th) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice

of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
 - 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
 - 2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
 - 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
 - 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
 - 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

5.00 INSPECTION

5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:

- 1. reviewing files, records, plans, and other documents, in both paper and electronic form;
- 2. physical access to all areas of a site or facility;

3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 ENFORCEMENT

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.

A. ~~Form of Misdemeanor~~ Citations: Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.

B. Administrative Citations:

1. **Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

- 2. Administrative Citations and Civil Penalties.** This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
- 3. General provisions.** A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
- 4. Civil Penalties.** Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
- 5. Administrative Citation.** The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.

 - a) Response to Citation.** A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:

 - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.**
 - II. Deny the violation stated in the citation and request a hearing.**
- 6. Administrative Citation Hearing.**

 - a) Hearing Officers.** The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.

 - I. Removal of Hearing Officer.** The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
 - b) Request For Hearing.** If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) **Citation Materials.** At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
- d) **Notice of Hearing.** Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
- e) **Hearing.** At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
- f) **Decision/Findings.** After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
- g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.

- 7. **Payment Following Finding of Violation.** If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
- 8. **Recovery of Civil Penalties.** If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
 - a) A lien may be assessed against the property and collected in the same manner as taxes.
 - b) A personal obligation may be collected by appropriate legal means.
 - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
- 9. **Criminal Penalties.** The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty

imposed by a hearing officer within twenty (20) County working days after it was imposed, or such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

C. Issuance: ~~The Administrative or Criminal Citations~~ shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.

B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.

7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.

7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.

7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.

7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.

7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), and March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

~~Adopted by the Board of Ramsey County Commissioners this 20th day of October 2009, by Resolution #2009-362.~~

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DATE OF PUBLIC HEARING:
 DATE OF PASSAGE BY COUNTY BOARD:
 DATE OF PUBLICATION:
 EFFECTIVE DATE OF ORDINANCE:

RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
 - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
 - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
 - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
 - B. If the payment is submitted more than thirty days from the due date,
 - 1. the license application may be denied,
 - 2. the activity for which a license is required shall cease, and
 - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
 - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11th) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice

of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
 - 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
 - 2. The variance is proved necessary in order to secure for the applicant a right or right enjoyed by other persons in the same area or district.
 - 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
 - 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
 - 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

5.00 INSPECTION

- 5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:
 - 1. reviewing files, records, plans, and other documents, in both paper and electronic form;
 - 2. physical access to all areas of a site or facility;

3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 **ENFORCEMENT**

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.
- A. **Misdemeanor Citations:** Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.
- B. **Administrative Citations:**
1. **Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

2. Administrative Citations and Civil Penalties. This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
3. General provisions. A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
4. Civil Penalties. Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
5. Administrative Citation. The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.
 - a) Response to Citation. A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:
 - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.
 - II. Deny the violation stated in the citation and request a hearing.
6. Administrative Citation Hearing.
 - a) Hearing Officers. The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.
 - I. Removal of Hearing Officer. The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
 - b) Request For Hearing. If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) Citation Materials. At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
 - d) Notice of Hearing. Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
 - e) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
 - f) Decision/Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
 - g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.
7. Payment Following Finding of Violation. If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
8. Recovery of Civil Penalties. If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
- a) A lien may be assessed against the property and collected in the same manner as taxes.
 - b) A personal obligation may be collected by appropriate legal means.
 - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
9. Criminal Penalties. The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty imposed by a hearing officer within twenty (20) County working days after it was imposed, or

such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

- C. Issuance: Administrative or Criminal Citations shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

- A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.
- B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

- 7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.
- 7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.
- 7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.
- 7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.
- 7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.
- 7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.
- 7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

###

DATE OF PUBLIC HEARING:
 DATE OF PASSAGE BY COUNTY BOARD:
 DATE OF PUBLICATION:
 EFFECTIVE DATE OF ORDINANCE:

Proposed Administrative Ordinance Change Community Engagement and Racial Equity Summary

PARTICIPATION SUMMARY

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. Based on regulatory staff's experience working with these organizations over the years, a straightforward online survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content.

To encourage and support participation, all licensees or regulated businesses with an email address on file were invited by, or on behalf of, their Ramsey County inspector; this group included 1428 unique invitees. Eleven licensees did not have an address on file and were sent surveys by mail along with a self-addressed stamped envelope. Unique survey response collectors were set up for each group of licensees, and response numbers were actively tracked so staff could do additional outreach as needed. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Chinese and Spanish) and those were provided.

Three listening sessions were held on August 17 at 6pm, August 18 at 2pm, and August 19 at 9am. Information to be presented and questions asked during the listening sessions were identical to the online survey. No stakeholders attended any of these listening sessions.

There were 186 responses to the online survey and one mailed survey response. Responses were collected August 10 through September 6, 2021.

ENGAGEMENT SUMMARY ANALYSIS

Some clear themes emerged from the community engagement results:

- There was overwhelming support for the proposed change to add a civil citation before the misdemeanor criminal citation; commonly cited reasons included the following:
 - The civil (non-criminal) enforcement tool better aligns with the nature of the regulations.

- This approach is more likely to motivate compliance by regulated entities, thus reducing risk to the public.
- A wider range of enforcement options may increase county education and enforcement efforts.
- A general desire for more information and education about county rules, enforcement processes and potential fine amounts from a civil citation.
- More and clearer opportunities to correct violations before enforcement, and clearer guidance from county staff on how to do that.
- An appeals request timeframe longer than the proposed 10 days.
- Assurance that the appeals hearing officer would be unbiased, knowledgeable about the regulated businesses, and selected with consideration to racial diversity and professional background.

Some of these are already addressed by existing county enforcement policies, while others provide useful guidance to refine the proposed ordinance and improve the county's regulatory education and outreach processes.

RACIAL EQUITY CONSIDERATIONS

Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health Department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

The public health regulations in Ramsey County ordinances provide protections for the health of the community and the natural environment. The proposed changes strike a reasonable balance between fair and equitable enforcement of ordinances and adequate protection of our community's health and environment.

MORE INFORMATION

A copy of the complete community engagement compilation and analysis report and details about the proposed ordinance revisions can be found here: <https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carter Johnson, being first duly sworn, on oath states as follows:

- 1. I am the publisher of the VADNAIS HEIGHTS PRESS, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant of Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached was published in the newspaper are as follows:

Once a week, for one week, it was published on Wednesday, the 27th day of October, 2021.

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows:

- a) Lowest classified rate paid by commercial users for comparable space
b) Maximum rate allowed by law for the above matter
c) Total amount charged for the above matter \$ 5.09/inch

- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Ramsey County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

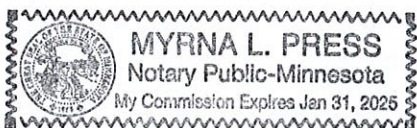
We are a qualified newspaper in the following counties: Anoka, Ramsey and Washington

FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
TITLE: Carter Johnson, Publisher
PRESS PUBLICATIONS
4779 Bloom Avenue
White Bear Lake, MN 55110

Subscribed and sworn to before me on this 4th day of November, 2021.

[Signature]
Notary Public



RAMSEY COUNTY, MINNESOTA
OFFICE OF THE COUNTY MANAGER
ST. PAUL, MINNESOTA
NOTICE OF PUBLIC HEARING
Notice is hereby given by the Ramsey County Board of Commissioners that a public hearing will be held on November 9, 2021, at 9:00 a.m., or as soon thereafter as possible, in the Council Chambers of the Ramsey County Court House (located at 15 W Kellogg Blvd, St Paul, MN 55102), with regard to amendments to the Ramsey County Administrative Ordinance in order to afford the public an opportunity to comment on the ordinance amendments.
Food establishments, public swimming pools, hotels, manufactured home parks, solid waste haulers and facilities, hazardous waste generators and facilities, and other businesses are regulated by county ordinances. The Ramsey County Administrative Ordinance broadly sets the rules for enforcement and penalties of all other county ordinances.
Under the current administrative ordinance, the first penalty for breaking the rules is a misdemeanor citation. This includes a fine and is considered a crime. The person who receives the misdemeanor citation then has a criminal record.
Ramsey County is proposing to add a step of enforcement as an alternative to a misdemeanor (criminal) citation. The proposed step would be an administrative (civil) citation; it includes a fine only and would not be considered a crime nor create a criminal record.
Materials related to this proposed change and the community engagement feedback compilation and analysis can be found at: https://www.ramsey-county.us/your-government/ordinances-regulations/public-health-ordinance-changes.
Persons who intend to testify are requested to sign-up by emailing chiefclerk@co.ramsey.mn.us prior to November 9, 2021 or may contact the Chief Clerk - County Board at (651) 266-8014.
Published one time in the Vadnais Heights Press on October 27, 2021.

PROPOSED SCHEDULE OF EVENTS
Public Health Department

October 19, 2021	First Reading of Ordinance Set Date for Public Hearing
November 09, 2021	Second Reading of Ordinance Hold Public Hearing
November 23, 2021	Action on Ordinance Adoption
January 07, 2022	Effective date of Ordinance (45-day referendum periods ends)

Board of Commissioners

Request for Board Action

Item Number: 2021-620

Meeting Date: 11/9/2021

Sponsor: Human Resources

Title

Ramsey County Employee Achievement Awards: Bridget Marter - Finance Department and Zachary Hylton - Policy and Planning.

Recommendation

None. For information and discussion only.

Background and Rationale

The Ramsey County Achievement Award Program Selection Committee is a volunteer committee of employees from different departments of the county who research, review and make final recommendations on nominations put forward in any of several categories of employee achievement or excellence.

The Selection Committee has approved the nomination of employee Bridget Marter, claims administrator - Finance, to be recognized with an Employee Achievement Award in the category of Personal Growth Despite Adversity.

The Selection Committee has also approved the nomination of Zachary Hylton, senior policy analyst Policy and Planning division, to be recognized with an Employee Achievement Award in the categories of Excellent Job Performance and Performance Beyond the Call of Duty.

Attachments

- 1.Memoriandum for Achievement Award Notice to Bridget Marter
- 2.Memoriandum for Achievement Award Notice to Zachary Hylton

November 02, 2021

To: Ramsey County Board of Commissioners
Cc: Ryan O'Connor, County Manager
Gail J. Blackstone, Director, Human Resources
Ann Feaman, Director, Talent Division, Human Resources

From: Abel Piñeiro, Diversity, Inclusion & Organizational Development Specialist
HR Liaison to RC Achievement Award Committee

Subject: Achievement Award for Zachary Hylton, Policy and Planning division.

Nomination Summary

Zach Hylton is a senior policy analyst in the Policy and Planning division.

He was nominated for a Ramsey County Employee Achievement Award in the categories of Excellent Job Performance and Performance Beyond the Call of Duty.

According to Policy and Planning Director Elizabeth Tolzmann, Zach always goes above and beyond, juggling multiple strategic, high-impact projects at once. This includes organizing community workshops for improving community indicators and performance measures for the county.

Zach is known for pushing beyond the status quo and finding new ways to adapt to meet goals.

Tolzmann said he is doing the job of two and a half to three people, including supporting Safety and Justice, tracking performance metrics, conducting data analysis, and facilitating meetings.

Zach's brilliance lies in understanding systems and structures and understanding how to deconstruct them to reconstruct them in a better way. He also has a unique ability to bring in key stakeholders.

Zach's colleague Prince Corbett described him as "very innovative and creative," adding "A lot of people really love that he can think outside the box. He can challenge people in their thinking."

Deputy County Manager Scott Williams described Zach as a champion for change and a great connector between the county and the community.

He is also known as a team player who will give credit to colleagues before himself and helps his team in all they do.

In summary, the Achievement Award Selection Committee recommends that Zach Hylton be awarded a Ramsey County Employee Achievement Award in the categories of "Excellent Job Performance" and "Performance Beyond the Call of Duty."

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Saint Paul, MN 55101
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TDD: Dial 711
www.co.ramsey.mn.us

November 02, 2021

To: Ramsey County Board of Commissioners
Cc: Ryan O'Connor, County Manager
Gail J. Blackstone, Director, Human Resources
Ann Feaman, Director, Talent Division, Human Resources

From: Abel Piñeiro, Diversity, Inclusion & Organizational Development Specialist
HR Liaison to RC Achievement Award Committee

Subject: Achievement Award for Bridget Marter, Finance Department

Nomination Summary

Bridget Marter is the claims administrator with Risk Management, now located in Finance. Bridget was nominated for a Ramsey County Employee Achievement Award in the category of "Personal Growth Despite Adversity." At the time of her nomination, her position was in the County Attorney's office.

Marter makes decisions about settling or denying claims made against the county. Her job can be very demanding, and she often deals with residents who feel they have been wronged by the county.

She is known for her positive, can-do attitude, and her good judgement in settling claims which ensures the county is efficiently using tax-payer dollars.

Bridget has given us permission to share that, a few years ago, she was diagnosed with breast cancer.

With appropriate medical care, self-care, and family and co-worker support, Bridget elected to continue serving in her role during this time.

Despite dealing with surgeries and doctor's appointments, she didn't miss a beat. She kept up with her work and family responsibilities and stayed positive throughout her treatment.

Marter's positivity is an inspiration to Melitta Drechsler, who nominated her for this award. Drechsler said she doesn't know if she could come close to handling the situation as well as Marter did.

Jenny Groskopf, Marter's current supervisor, said she admires her for her perseverance and fortitude. Most employees in Marter's situation would need to take a leave of absence or reduce their hours – but not her. On top of her health situation and an ongoing pandemic, she also has two young children to care for.

John Kelly, who supervised Marter for seven months, said she is well deserving of the award and added that her former supervisor, Jeff Stephenson, would agree.

In summary, the Achievement Award Selection Committee recommends that Bridget Marter be awarded a Ramsey County Employee Achievement Award in the category of "Personal Growth Despite Adversity."

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Board of Commissioners

Request for Board Action

Item Number: 2021-609

Meeting Date: 11/9/2021

Sponsor: Safety and Justice

Title

Joint Powers Agreement for Metropolitan Emergency Services Board

Recommendation

1. Approve the Joint Powers Agreement with Anoka County, Carver County, Chisago County, Dakota County, Hennepin County, Isanti County, Scott County, Sherburne County, Washington County, and the city of Minneapolis for the operation of the Metropolitan Emergency Services Board for the period of January 1, 2022 through December 31, 2026.
2. Authorize the Chair and Chief Clerk to execute the agreement.
3. Authorize the County Manager to appoint members and alternates to the Technical Operations Committees of the Metropolitan Emergency Services Board during the term of the agreement.

Background and Rationale

The current five-year Metropolitan Emergency Services Board (MESB) Joint Powers Agreement expires on December 31, 2021. Emergency Communications is requesting board approval to renew a five-year Joint Powers Agreement for the period of January 1, 2022 through December 31, 2026 with the ten other members of the MESB, which now includes Sherburne County.

The Metropolitan Emergency Services Board was created in 2005 through a merger of the Metropolitan Radio Board and the Metropolitan 911 Board, which also serves as the Metropolitan Emergency Medical Services Board. The MESB satisfies Minnesota Statutes Section 403.39, which requires a metropolitan regional 911 telephone system, a related system of emergency medical services, and coordinated metropolitan and local improvements to the statewide trunked radio system. Through the MESB, the nine metropolitan counties and the city of Minneapolis coordinate emergency services systems for the safety and welfare of people in the metropolitan area.

The MESB established the 911 and the Radio Technical Operations Committees to monitor the operations of regional emergency services systems, and to prepare studies, reports and recommended actions on technical and operational issues affecting the coordinated systems for the Joint Powers Board's consideration. Historically, staff of county emergency communications centers with management and/or technical responsibility have been appointed to the MESB Technical Operations Committees. The MESB requires Technical Operations Committee members to attend at least seventy-five percent of the regular committee meetings during the calendar year.

County Goals (Check those advanced by Action)

Well-being Prosperity Opportunity Accountability

Racial Equity Impact

Ramsey county is one of the most diverse counties in the region and this agreement with the MESB impacts all residents of Ramsey County by ensuring the county has the most current emergency services systems available. The JPA will continue to support the county's effort to ensure the safety and welfare of all residents

that reside in Ramsey County.

Community Participation Level and Impact

While this RBA does not have community participation, through its membership in the MESB, Ramsey County engages with its other MESB partners.

Inform Consult Involve Collaborate Empower

Fiscal Impact

Ramsey County’s current 2021 MESB assessment of \$214,500 is included in the 2021 operating budget of the department of Emergency Communications. All future annual MESB assessments once determined by the MESB board for the term of the Joint Powers Agreement will be included in the department of Emergency Communications proposed biennial operating budgets.

County Manager Comments

No additional comments.

Last Previous Action

On November 1, 2016, the Ramsey County Board approved Joint Powers Agreement with Anoka County, Carver County, Chisago County, Dakota County, Hennepin County, Isanti County, Scott County, Washington County, and the city of Minneapolis for the operation of the Metropolitan Emergency Services Board for the period of January 1, 2017 through December 31, 2021 (Resolution 2016-278).

Attachments

1. Joint Powers Agreement for Metropolitan Emergency Services Board

**JOINT POWERS AGREEMENT
FOR
METROPOLITAN EMERGENCY SERVICES BOARD**

AGREEMENT made on the effective date herein between Anoka County, Carver County, Chisago County, Dakota County, Hennepin County, Isanti County, Ramsey County, Scott County, Sherburne County, Washington County, and City of Minneapolis.

WHEREAS, the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington entered into a joint powers agreement to establish the Metropolitan 911 Board to carry out the requirements of counties under Minnesota Statutes, Chapter 403 for the establishment of a 911 telephone system in the seven-county metropolitan area; and

WHEREAS, the provision of Emergency Medical Services (EMS) is a function that is related to the installation and operation of a regional 911 telephone system; and

WHEREAS, regional EMS systems governed by a body consisting of appointed representatives from each of the counties within a region are eligible for funds from the EMS Regulatory Board in accordance with Minnesota Statutes, Section 144E.50; and

WHEREAS, the Joint Powers Agreement for Metropolitan 911 Board was previously amended to include the power to serve as a regional EMS system board under Minnesota Statutes, Sections 144E.50 to 144E.52; and

WHEREAS, the Metropolitan Radio Board was established pursuant to Minnesota Statutes, Section 403.22, and included the seven member counties to the Metropolitan 911 Board and Chisago County, Isanti County and the City of Minneapolis; and

WHEREAS, the statutorily created Metropolitan Radio Board terminated pursuant to Minnesota Session Laws, 2004, c. 201, s. 22, and a successor regional radio board needed to be established pursuant to Minnesota Statutes, Section 403.39 to plan, implement, maintain, and operate regional and local improvements to the statewide, shared, trunked radio and communication system provided for in Section 403.36; and

WHEREAS, the seven member counties to the Metropolitan 911 Board and the City of Minneapolis recognized that there were economic and operational advantages to the members to jointly plan, coordinate, and administer a regional 911 system, emergency medical services, and a regional radio system in the metropolitan area, pursuant to Minnesota Statutes, Section 471.59 and other law; and therefore entered into a Joint Powers Agreement for Metropolitan Emergency Services Board effective June 15, 2005, which made the former Metropolitan 911 Board the successor to the Metropolitan Radio Board; and

WHEREAS, Chisago County became a party to said Joint Powers Agreement in 2006, and fully participates in the activities of the Board; and

WHEREAS, said Joint Powers Agreement was amended and replaced by Joint Powers Agreement for Metropolitan Emergency Services Board effective January 1, 2008; and

WHEREAS, Isanti County became a party to said Joint Powers Agreement in 2010, and fully participates in the activities of the Board; and

WHEREAS, the Joint Powers Agreement for Metropolitan Emergency Services Board effective January 1, 2008 was amended and replaced by Joint Powers Agreement for Metropolitan Emergency Services Board effective January 1, 2012; and

WHEREAS, the Joint Powers Agreement for Metropolitan Emergency Services Board effective January 1, 2012 was amended and replaced by Joint Powers Agreement for Metropolitan Emergency Services Board effective January 1, 2017; and

WHEREAS, Sherburne County became a part to said Joint Powers Agreement in 2019, and fully participates in the activities of the Board; and

WHEREAS, all of the parties to the existing Joint Powers Agreement for Metropolitan Emergency Services Board agree that it shall be amended and replaced with this Agreement.

THEREFORE, in consideration of the terms contained herein, and in consideration of the execution of this Agreement by each of the parties hereto, it is agreed as follows:

ARTICLE I

Purposes

This Agreement has been executed by the parties hereto for the following purposes:

- A. establishing a regional radio board pursuant to Section 403.39 to implement, maintain and operate regional and local improvements to the statewide, shared, trunked radio and communication system provided for in Section 403.36.
- B. complying with the mandate of Sections 403.02 to 403.15, and implementing and administering a regional 911 system through a joint powers board.
- C. encouraging the development of new resources and the coordination of EMS services throughout the ten-county metropolitan area to efficiently and cost effectively respond to medical emergencies and provide a high level of patient care.
- D. serving as the successor in interest to the Metropolitan Radio Board with respect to all contracts (including but not limited to Cooperative Agreements with members to this Agreement and/or other radio users), responsibilities and obligations, whether at law or in equity.

Each member agrees to cooperate in fulfilling these purposes, the terms of this Agreement and the objectives of applicable legislation, rules and standards in furtherance of the

public safety and welfare of the people of the ten-county metropolitan area through effective emergency communications systems and emergency medical services systems.

ARTICLE II

Definitions

Section 1: Statutory Definitions. The definitions of terms contained in Minnesota Statutes, Chapter 403 shall apply in this Agreement where those terms are used.

Section 2: Additional Definitions. In the interpretation of this Agreement, the following additional definitions shall have the meanings given to them.

- A. “Board” means the joint powers board described in Article III, Section 1 of this Agreement.
- B. “CAD” means Computer-Aided Dispatch.
- C. “EMS” means Emergency Medical Services.
- D. “Local Elective Service” means that service of a county which exceeds minimum 911 service.
- E. “Member” means a party to this Agreement.
- F. “PSAP” means a public safety answering point.
- G. “Representative” means a county commissioner or city council member who is a duly appointed, qualified and acting representative of a member hereto.
- H. “Regional 911 System” means the metropolitan area 911 system under the Board coordinating 911 service to each of the counties hereto.
- I. “Ten-county metropolitan area” means the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington.
- J. “User” with respect to the regional radio system, means any entity or person who has a contractual or other right to send and receive information via the regional radio system.

ARTICLE III

Joint Powers Board

Section 1: Creation and Composition. A board, known as the Metropolitan Emergency Services Board, is hereby established for the purposes contained herein with the powers and duties set forth in this Agreement. The Board shall consist of either one or two representatives from each of the counties of Anoka, Carver, Dakota, Scott, Sherburne and Washington, and from the City of Minneapolis, as provided in their appointing resolutions. Ramsey County and Hennepin County shall each have two to four representatives, as provided in their appointing resolutions. The counties of Anoka, Carver, Dakota, Scott, Sherburne and Washington, and the City of Minneapolis, shall be entitled to two votes each, one vote for each representative, or allocated among their representatives as provided in their appointing resolutions. Ramsey County and Hennepin County shall have four votes each to be allocated among their representatives as provided in their appointing resolutions. The Board shall include one representative from each of the counties of Chisago and Isanti who shall each have one vote. The governing body of each member to this Agreement shall appoint, by resolution, its representatives and alternates to the Board. Alternates shall be elected officials and shall have the same voting strength as the representative for whom they are appointed to serve as an alternate. Resolutions appointing representatives shall be filed at a place, time and manner as determined by a majority of the Board.

Section 2: Terms. Representatives shall be appointed for a one year term beginning January 1 of each year. In the event that any representative shall not have been appointed by January 1 in any year, the incumbent representative shall serve until a successor has been appointed. Removal of any representative during the term for which the representative has been appointed shall be done only by resolution of the appointing governing body. Resolutions appointing or removing representatives under this section shall be filed as provided for in Section 1 of this Article.

Section 3: Chair and Vice Chair. At its first regular meeting of the year the Board shall elect a Chair and Vice Chair from among the representatives designated by the governing bodies of the members to serve on an Executive Committee. The Chair and Vice Chair shall be elected by the Board for one year terms. The Chair shall preside at all meetings of the Board and shall perform other duties and functions as may be determined by the Board. The Vice Chair shall preside over and act for the Board during the absence of the Chair.

Section 4: Secretary and Treasurer. At its first regular meeting of the year the Board shall elect a Secretary and a Treasurer from among the representatives designated by the governing bodies of the members to serve on an Executive Committee. The Secretary and the Treasurer shall be elected by the Board for one year terms. The Secretary and Treasurer shall perform all the duties and functions as provided for in the bylaws. In the absence of the Chair and Vice Chair the Secretary and Treasurer, respectively, shall preside over and act for the Board.

Section 5: Membership in Executive Offices. Ramsey County shall have one representative in any of the four executive offices provided for in Sections 3 and 4 of this Article. Hennepin County and the City of Minneapolis shall alternate every four years having a representative in

any of the four executive offices provided in Sections 3 and 4 of this Article. Officers will serve successively in the offices of Treasurer, Secretary, Vice Chair and Chair. Representatives from all other members will serve as officers on a rotating basis.

Section 6: Vacancies. If an appointment of any representative is vacated before the end of the term, the vacancy shall be filled by appointment by the appropriate appointing governing body. Vacancies shall be filled within thirty (30) days of their occurrence. A vacancy shall be deemed to have occurred when any of the conditions specified in Minnesota Statutes, Section 351.02 exist, or if a representative fails to qualify or act as a representative.

Section 7: Meetings. The Board shall meet at regular meetings at such times and places as the Board shall determine. Special meetings may be held on reasonable notice by the Chair or any two representatives upon terms and conditions as the Board may determine and in accordance with the requirements of the open meeting law, Minnesota Statutes, Chapter 13D. Each representative shall be present and voting only in his or her own representative capacity and without authority to cast proxy votes. An affirmative vote of a majority of representative votes present shall be required before any action can be taken provided a quorum is present at the call of the meeting to order. A majority of the representatives designated by the members to this Agreement shall constitute a quorum, provided that those present represent a majority of the members to this Agreement.

ARTICLE IV

Powers of the Board

Section 1: General Powers. The Board is hereby authorized to exercise such authority that it may as a joint powers board pursuant to Minnesota Statutes, Section 471.59, and other law, including new and amended law, except as otherwise limited herein, to effectively achieve the goals and objectives as described herein.

A. **Radio.** When acting in its capacity as a regional radio board and as the successor to the Metropolitan Radio Board, the Board has the powers necessary and convenient to discharge the duties imposed on it by law, including the duty to implement, maintain, and operate regional and local improvements to the statewide, shared, trunked radio and communication system provided for in Minnesota Statutes, Section 403.36. The Board shall also have the powers of a regional radio board provided by Minnesota Statutes, Section 403.39.

B. **911.** When acting as the metropolitan 911 board, the Board is authorized to complete the implementation of the consolidated 911 plan for the ten member counties in the acquisition, installation, operation and maintenance of the Regional 911 System, and is authorized to exercise those powers required to discharge the duties imposed by Minnesota Statutes, Sections 403.01 to 403.15, and rules and regulations promulgated pursuant to said statutes.

C. **EMS.** When acting as a regional emergency medical services (EMS) board pursuant to Minnesota Statutes, Sections 144E.50 to 144E.52, the Board is authorized to take

actions, or recommend actions to the appropriate authorities, public and private, which are needed for the coordination and improvement of emergency medical services (EMS) within the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne and Washington.

D. Emergency Services Systems. The Board may exercise other powers granted by the legislature to regional radio boards and to counties or cities under Minnesota Statutes, Chapter 403, including all the powers of a regional emergency communication board under Minnesota Statutes, Section 303.392, or any other law related to emergency services systems.

Section 2: Specific Powers. The Board may exercise, but is not limited to, the following specific powers:

A. Powers of General Applicability. The Board may exercise the following powers in carrying out any of the purposes set forth in this Agreement:

1. Adopt an annual budget, together with a statement of the sources of funding and an estimate of the proportion of such amounts required of each party.
2. Enter into contracts required in furtherance of this Agreement and statutory mandate; and enforce such contracts to the extent available in equity or at law. The requirements of the member with the least restrictive contracting and purchasing authority shall apply hereto in the judgment of the Board.
3. Disburse funds in a manner, which, as far as practicable, is consistent with the method provided by law for the disbursement of funds by the parties to this Agreement.
4. Adopt by-laws and rules and/or policies consistent with this Agreement required for the exercise of the powers of the Board or accomplishment of its objectives.
5. Proceed against any member to this Agreement failing to make prompt payment of its just and correct assessment under Article VI, subject to the procedures established in this Agreement.
6. Make provision for the employment, discipline or discharge of personnel required to accomplish the purposes of this Agreement. Employ an executive director and delegate contracting authority to the executive director up to such limits as determined by the Board, and delegate such other powers as the Board deems appropriate for the efficient and effective management of the joint powers organization.
7. Purchase public liability insurance and such other bonds and insurance as is deemed necessary for the protection of the Board, its members, representatives, officers, agents and employees. The exercise of such authority by the Board shall not be construed as a waiver or modification of the limitations, defenses and immunities of liability contained in Minnesota Statutes, Chapter 466, Minnesota Statutes, Section 471.59, subd. 1a, or other applicable law.

8. Seek, apply for, and accept appropriations, gifts, grants or loans of money, other property or assistance on behalf of any or all the members from the United States Government, the State of Minnesota, or any person, association or agency for any of its purposes; enter into any agreement in connection therewith; and hold, use and disburse or dispose of such money or other property and assistance in accordance with the terms of the gift, grant or loan relating thereto. Nothing herein is intended to authorize the Board to issue bonds for any of its purposes.

9. Acquire real and personal property by purchase, lease, gift, or grant, and interests in property necessary for the accomplishment of the purposes set forth in this Agreement, and sell or otherwise dispose of property which it no longer requires.

10. To the extent allowed by law, establish and collect fees, including user fees, for services provided by the Board.

11. Petition the legislature and congress for funding and for statutory changes.

12. Sue and be sued.

13. The Board shall keep proper minutes of all its proceedings.

14. The Board shall keep proper and adequate books of accounts showing all its receipts and disbursements by date, source, and amount. The Board must be audited at least once each year. The Board may elect to be audited by a certified public accountant or by the state auditor.

B. Radio Specific Powers. The Board may exercise the following regional radio board powers:

1. Establish, implement, and approve plans for local government radio subsystems that are, or will be, interconnected to the state backbone within the ten-county metropolitan area.

2. Set or adopt regional performance and technical standards, subject to review by the Statewide Emergency Communications Board (SECB), for regional radio system infrastructure.

3. Set regional interoperational priorities or protocols for the radio system.

4. Determine cost apportionment among radio user entities for regional capital, operational, maintenance, and administrative costs.

5. Continue to administer radio antenna leases within metropolitan area. Renegotiate and approve new leases upon expiration, when necessary, in conjunction with MnDOT.

6. Assume existing contractual responsibilities of the Metropolitan Radio Board.

7. Monitor compliance with standards, protocols and procedures as determined by the SECB and this Board within the nine-county metropolitan area.
8. Prepare reports to the legislature as required by law.
9. In cooperation and conjunction with the SECB, and MnDOT, allocate capacity within the ten-county metropolitan area.
10. Coordinate integration among users in the ten-county metropolitan area.
11. Apply for and hold licenses for public safety frequencies to be used in regional and local improvements, including a regional data system.
12. In cooperation with the SECB, determine the extent to which local governments, quasi-public service corporations, and private entities eligible to use the system may provide system enhancements at their direct expense.
13. Subject to system capacity and channel availability, the Board shall ensure that all local governments, quasi-public service operations, and private entities in the ten metropolitan counties that are eligible to use radio frequencies reserved for public safety use have adequate communications capacity and intercommunications capability.
14. The Board may contract with entities in the ten metropolitan counties eligible to use the public safety channels other than local governments, to provide them with public safety radio communication service. The Board may contract with eligible jurisdictions and entities outside the ten metropolitan counties for inclusion in the regionwide public safety radio communication system.
15. Own, lease or otherwise provide hardware and/or software necessary to support sharing of radio infrastructure between multiple agencies, including public safety answering point (PSAP) dispatch operation position equipment.

C. **911 Specific Powers.** The Board may exercise the following 911 board powers:

1. Engage in planning, installing, administering, operating and maintaining the Regional 911 System, including preparing and submitting a consolidated 911 system plan on behalf of all the counties. Any consolidated 911 system plan approved by the Board shall not impose financial obligations on any county or city which exceeds those approved by the county or the city responsible for the PSAP.
2. Provide or administer training to PSAP operators and other participants in the emergency services systems.
3. Own, lease or otherwise provide the network(s) and/or emergency service applications that support the network(s), including hardware and/or software, for network components and elements such as servers, gateways, routers, databases, or any other network

elements, necessary to support standardized regional delivery of Requests for Emergency Assistance (RFEAs) and the related data information to multiple PSAPs.

4. Own, lease or otherwise provide the hardware/software/data/applications and/or other emergency service components and elements necessary to support standardized regional handling of Requests for Emergency Assistance (RFEAs) and the related data information at individual and/or multiple PSAPs.

5. Contract with one or more vendors to provide an emergency services system(s) or related elements or components of an emergency services system(s).

6. Contract with or employ staff to design, install, administer, operate, and maintain elements or components of an emergency services system.

7. Set or adopt regional performance and technical standards related to an emergency services system(s).

8. Monitor vendor compliance with the emergency services system standards.

9. Determine and administer cost apportionment among user entities for regional capital, operational, maintenance, and administrative costs.

10. Develop and maintain a regional plan for the implementation of Next Generation 911 (NG911) service within the region or within subregions of the region consistent with standards established under Minnesota Statutes, Section 403.382.

11. Establish regional technical and operational standards for the implementation of NG911 service within the region or within subregions of the region that are consistent with technical and operational standards for 911 service adopted pursuant to Minnesota Statutes, Section 403.382.

12. Upon Board action to exercise this power, contract with one or more vendors for a CAD interoperability system; administer and govern this system via an established committee of all PSAP participants.

D. EMS Specific Powers. The Board may exercise the following EMS board powers:

1. Serve as the contractual and financial agent for the purposes of accepting and disbursing State or federal funds under agreements with the State of Minnesota, Minnesota Department of Health or other State or federal agencies on behalf of the counties included in the ten-county metropolitan regional EMS system, as identified in Section 1.C, for regional emergency medical services (EMS) activities.

2. Review and approve plans, grant applications or requests for funds or programs related to emergency medical services within the ten-county metropolitan regional EMS system.
3. Recommend policies, procedures, or programs to coordinate and improve the delivery of emergency medical services in the ten-county metropolitan regional EMS system.
4. Review, develop, and recommend standards for training of emergency services personnel, including dispatchers, first responders, emergency medical technicians, paramedics, emergency room nurses and physicians for the ten-county metropolitan area.
5. Develop, review, and recommend standards and procedures for EMS communications, including, but not limited to use of the assigned Emergency Medical Services radio frequencies within the ten-county metropolitan area.
6. Develop, review, and recommend standards and procedures for emergency transportation and medical care of the patient from the scene of the incident to the hospital including equipment for patient care in the ten-county metropolitan area.
7. Review, develop, and present public information and education programs that relate to EMS functions and services in the ten-county metropolitan area.

Section 3: Indemnification. The Board shall be considered a separate and distinct public entity to which the members have transferred all responsibility and control for actions taken pursuant to this Agreement. The Board shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protections of Minnesota Statutes, Chapter 466. The Board shall fully defend, indemnify and hold harmless the members against all claims, losses, liability, suits, judgments, costs and expenses by reason of the action or inaction of the Board and/or employees and/or the agents of the Board. This Agreement to indemnify and hold harmless does not constitute a waiver by any member of limitations on liability provided under Minnesota Statutes, Section 466.04. To the full extent permitted by law, actions by the members pursuant to this Agreement are intended to be and shall be construed as a cooperative activity and it is the intent of the members that they shall be deemed a single governmental unit for the purpose of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a; provided further that for purposes of that statute, each member to this Agreement expressly declines responsibility for the acts or omissions of the other members. The members of the Board are not liable for the acts or omissions of the other members to the Board except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other members.

ARTICLE V

Committees

Section 1: Executive Committee. The Chair, Vice Chair, Secretary, Treasurer and one representative from each of the members not represented by an executive officer shall constitute an Executive Committee. The governing body of each member to this Agreement shall designate which of its representatives will serve on the Executive Committee. The Executive

Committee shall have the authority to act in those circumstances and on those matters as directed by the Board.

Section 2: Technical Operations Committee(s). The Board shall establish Technical Operations Committee(s) and shall determine the membership and responsibilities of the committee(s).

Section 3: EMS Technical Operations Committee. The EMS Technical Operations Committee shall recommend to the Board those actions which are needed for the coordination and improvement of emergency health care services within the ten-county metropolitan regional EMS system.

Section 4: Other Committees. The Board may appoint such other committees and subcommittees as are necessary for the accomplishment of the purposes of this Agreement. The Board may authorize one or more subcommittees for any committee of the Board.

ARTICLE VI

Funding

Section 1: Assessment Procedure. By August 1 of each year, prior to the adoption of an annual budget for the following year, the Board shall determine the amount of contribution by each participating county according to the assessment formula in Section 3 herein. The budget shall account for all revenue and expenses of each function of the Board under this Agreement. The contribution of each county shall be a credit for the county making the contribution. If, in any year, the amount of any contribution exceeds that estimated as each county's share toward the total annual cost, the excess shall be allocated in such manner as to reduce each county's contribution in accordance with the assessment formula herein. If, after the adoption of an annual budget, it appears that a deficit is imminent in that the amount of any share is incorrect or insufficient, the Board may, at a regular or special meeting, adjust the budget to the extent required for the exercise of its powers and the accomplishment of its purposes. Such additional contributions shall be assessed as provided in Section 3 herein. Hennepin County will be assessed based on its entire population as provided in Section 3 herein; therefore, the City of Minneapolis shall not be assessed for Board functions except for administrative costs related to regional radio board functions as provided in Section 8 herein.

Section 2: Initial Assessment. An assessment shall be made and charged to each county herein sufficient to enable the Board to administer the Regional 911 System. Such assessment shall be made by the Board at its first regular meeting in accordance with the assessment formula contained in Section 3 herein. Thereupon, notice of the assessment shall be forwarded to each county for approval and payment.

Section 3: Assessment Formula. All assessments authorized to be made by this Agreement shall be made in the same proportion as the ratio of the population of the county bears to the population of the ten-county metropolitan area, as measured by the most recent and available population figures of the State Demographic Center. If the Board incurs any liability for

damages arising from any of its activities under this Agreement, the amount of damages shall be assessed against each county in the same manner as in the assessment formula described in this section; provided that any assessment against Hennepin County shall be reduced by the amount attributable to the population of the City of Minneapolis and shall be assessed against the City of Minneapolis. Nothing herein shall be construed as a waiver or modification of the limitations, defenses and immunities of liability contained in Minnesota Statutes, Chapter 466, Minnesota Statutes Section 471.59, subd. 1a, or other applicable law.

Section 4: Initial Local Elective Service. The total costs incurred as a result of any single county request or local elective service shall be assessed to the county so requesting. If more than one county makes a request for such service, the assessment therefor shall be made in the same proportion as the ratio of population of each requesting county bears to the population of all counties requesting such local elective service. The assessment therefor shall be made on the most recent and available population figures of the State Demographic Center.

Section 5: Local Elective Service After Implementation. Any county requesting an elective service after implementation of the Regional 911 System, or after the cost of a local elective service has been assessed and paid by another county or counties, shall purchase the local elective service by paying its proportionate share of the installation cost of special or additional equipment required for local elective service to the Board as though the later requesting county or counties had originally requested the local elective service.

The amount paid by the county or counties later requesting the local elective service shall be paid to the county or counties originally paying for the local elective service in proportion to their entitlement, or at the county's option, may be allocated by the Board to the initial requesting county or counties as a credit in proportion to their original payment for local elective service.

Section 6: Time of Payment; Review. All assessments made under the provisions of this article shall be approved and paid by each county within thirty (30) days of receipt of written notice of the assessment. Payment by any county shall not be construed as a waiver of the right to review the amount or the basis for the assessment. Any county may request such a review, after payment of the assessment, by the Board. The Board shall hear the parties upon request and make such modifications in the assessment to any county as are appropriate under the circumstances. If the request for review is not satisfactorily resolved before the Board, the aggrieved county or counties may make a request for arbitration pursuant to the provisions of Minnesota Statutes, Chapter 572.

Section 7: Allocation of Capital, Operating and Maintenance Costs for Radio System. Each member shall pay for the capital, maintenance and operating costs of all equipment related to the regional radio system which the member owns, now or in the future.

Section 8: Administrative Costs. The administrative costs of the Board which are incurred as a result of the Board's operating as a regional radio board shall be determined by the Board and shall be allocated to all members as provided in Section 3 herein, except that Hennepin County's assessment shall be reduced by the amount assessed to the City of Minneapolis, which shall be assessed based on its population.

Section 9: Accountability for Funds. All funds shall be accounted for according to generally accepted government accounting principles.

ARTICLE VII

Withdrawal

Section 1: Unilateral Withdrawal. No member may withdraw during the term of this Agreement or during any renewal term. Any member may withdraw upon the expiration of the term of this Agreement or upon the expiration of any renewal term, provided for in Article IX, Section 1, by giving notice to the Chair of the Board of a certified copy of a resolution of its governing body indicating its intent to withdraw from this Agreement. Such notice must be given to the Chair of the Board by June 1st of the year of withdrawal to be effective. Upon receipt of the resolution, the Chair of the Board shall forward a copy of the resolution to each of the members and to the Minnesota State Department of Public Safety.

Section 2: Effect of Withdrawal. Withdrawal by any member shall not terminate this Agreement except as provided in Article VIII. Withdrawal shall not act to discharge any liability incurred or chargeable to any member before the effective date of withdrawal. Such liability shall continue until appropriately discharged by law or agreement. No member shall be entitled to a refund of administrative or operating funds paid, or forgiveness of such funds owed, to the Board. Any withdrawing county receiving local elective services shall continue to be liable for its share of the annual recurring costs of such service.

ARTICLE VIII

Termination

Section 1: Termination. This Agreement shall terminate upon the occurrence of any one of the following events:

A. When members withdraw pursuant to Article VII so that in the judgment of the Board it becomes impractical or uneconomical to continue to operate under this Agreement.

B. When necessitated by operation of law or as a result of a decision by a court of competent jurisdiction.

C. When a majority of the members hereto agree, by resolution of their governing bodies, to terminate the Agreement.

D. Upon the termination date set forth in Article IX, unless renewed as provided in Article IX.

Section 2: Effect of Termination. Termination shall not discharge any liability incurred by the Board or by the members during the term of this Agreement. Each member shall be liable for its own acts and for the acts of the Board to the extent provided by law. Property or surplus money acquired by the Board shall be distributed to the members in proportion to contributions of the contracting parties. Any funds remaining from the settlement with Northwestern Bell Telephone Company shall be distributed to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington in proportion to their population as determined by the most recent and available population figures of the State Demographic Board. The Board shall approve a final report of its activities and affairs.

ARTICLE IX

Effective Date, Renewal, Amendments, New Members

Section 1: Effective Date. This Agreement, which amends and replaces the existing Joint Powers Agreement for Metropolitan Emergency Services Board, shall become effective on January 1, 2022 and shall continue in force until December 31, 2026.

This Agreement may be renewed for additional terms of up to five years each by resolution of the governing bodies of the members hereto. Upon the renewal of this Agreement by a majority of members, this Agreement will become binding upon the remaining members except for any member that has provided notice of its intent to withdraw pursuant to Article VII, Section 1.

Section 2: Amendments. This Agreement may be amended only by unanimous agreement of the members hereto by resolution of the governing bodies thereof except as provided in Section 3 herein.

Section 3: New Members. Additional members may become parties to this Agreement by resolution of their governing bodies and unanimous agreement of the representatives of the existing members.

Section 4: Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands on the date written below:

COUNTY OF ANOKA, STATE OF MINNESOTA

Attest: _____ By: _____
County Administrator Chair of County Board

Date: _____

Approved as to Form

Assistant Anoka County Attorney

COUNTY OF CARVER, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

COUNTY OF CHISAGO, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

Reviewed by:

Chisago County Attorney

Date: _____

COUNTY OF DAKOTA, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

Approved as to Form:

Assistant Dakota County Attorney

Date: _____

COUNTY OF HENNEPIN, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

Reviewed by the County Attorney's Office

By: _____

Date: _____

COUNTY OF ISANTI, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

COUNTY OF RAMSEY, STATE OF MINNESOTA

By: _____
Chair
Ramsey County Board of Commissioners

Date: _____

Attest: _____
Mee Cheng, Chief Clerk
Ramsey County Board of Commissioners

Date: _____

Approved: *Nancie Pass*
Nancie Pass, Director
Ramsey County Department of Emergency Communications

Approved as to form:

Melitta Drechsler 10-13-2021
Assistant County Attorney

COUNTY OF SCOTT, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

COUNTY OF SHERBURNE, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

Approved as to form and execution:

For Sherburne County Attorney's Office

COUNTY OF WASHINGTON, STATE OF MINNESOTA

Attest: _____ By: _____
Clerk of County Board Chair of County Board

Date: _____

Approved as to Form:

Assistant Washington County Attorney

CITY OF MINNEAPOLIS, STATE OF MINNESOTA

By: _____
City Coordinator

By: _____
City Finance Officer or Designee

Date: _____

Approved as to Form:

Assistant City Attorney

Board of Commissioners

Request for Board Action

Item Number: 2021-540

Meeting Date: 11/9/2021

Sponsor: Workforce Solutions

Title

Grant Award from Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training

Recommendation

1. Ratify the submittal of the Supplemental Nutrition Assistance Program Employment and Training Workplan/grant application to the Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training.
2. Authorize the acceptance and expenditure of grant awarded funds of \$126,794 for FFY2022 from the Minnesota Department of Human Services for Supplemental Nutrition Assistance Program Employment and Training for the period of October 1, 2021 through September 30, 2022.
3. Authorize the County Manager to execute the Grant Allocation Award.
4. Authorize the County Manager to apply for and accept additional Supplemental Nutrition Assistance Program Employment and Training grant funds from the Minnesota Department of Human Services for the period of October 1, 2021 through September 30, 2022.
5. Authorize the County Manager to enter into agreements and contracts and execute amendments to agreements and contracts in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.
6. Authorize the County Manager to make temporary transfers, as needed, from the County General Fund to Workforce Solutions to cover program expenses until program funds are received, with repayment to be made upon receipt of the funds.

Background and Rationale

Ramsey County Workforce Solutions administers the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) for all eligible Ramsey County residents on behalf of the Minnesota Department of Human Services (DHS). Workforce Solutions' goal is to help SNAP E&T eligible residents fully utilize their SNAP benefits, gain essential skills needed for gainful employment, and successfully transition off public assistance.

SNAP E&T is a voluntary program which requires active participation in order to continue receiving ongoing food benefits. SNAP E&T provides employment and training services to single adults without children and low-income families who are not eligible for other public assistance programs.

SNAP participants are offered SNAP E&T activities such as job search, coordination and referral to vocational training and other social services that will improve their employment prospects.

Workforce Solutions is required to provide SNAP E&T services and submit an annual Workplan to DHS in order to receive funds to operate the SNAP E&T program. Due to the tight timeline provided by DHS for the submission of the SNAP E&T Workplan, a timely Request for Board Action was not feasible.

On July 8, 2021, The Ramsey County Board of Commissioners was advised by memo of Workforce Solutions' intent to bring a Request for Board Action to the Ramsey County Board upon receiving notice of the funding

award.

On July 9, 2021, with the approval of Workforce Innovation Board (WIB) of Ramsey County, Workforce Solutions submitted the SNAP E&T Workplan to DHS with a request for funding of \$347,621.

On October 4, 2021, Workforce Solutions was allocated \$126,794 (\$86,794 for SNAP 100 and support services and an additional \$40,000 for SNAP 50/50) from DHS, which is a decrease from last year's initial allocation of \$142,288 (\$100,000 SNAP 100 & Support Services and \$50,000 SNAP 50/50). This year DHS has an allocation of \$1,183,417 to be distributed to counties and tribes for SNAP 100. This continuous yearly allocation is based on a formula created by DHS which takes into account the number cases in Ramsey County, increased allocations to additional MN counties to provide SNAP E&T and funding available to DHS from the United States Department of Agriculture. Aside from the initial allocation, if additional funding is available, counties can request for additional funds. Last program year, Workforce Solutions received a total allocation of \$345,895 which was able to fully fund the SNAP E&T program.

The funds will be used to serve up to 220 SNAP E&T participants for the period of October 1, 2021 through September 30, 2022 and will cover transportation costs (bus/gas cards), employment and education-related expenses, such as work clothes, work tools, books, and testing fees.

For more information on the Minnesota Department of Human Services' Supplemental Nutrition Assistance Employment and Training Program, please visit <https://mn.gov/dhs/snap-e-and-t/>.

County Goals (Check those advanced by Action)

- Well-being
- Prosperity
- Opportunity
- Accountability

Racial Equity Impact

Upon approval, funding will be used to serve low-income Ramsey County residents who are receiving food support benefits that are referred for SNAP E&T. The SNAP E&T program primarily supports people with multiple barriers to employment by assisting with essential case coordination, employment services, job search skill building and placement, and referrals to training services. Additionally, SNAP E&T serves participants who work in low-wage jobs to advance their careers. In Ramsey County, about half of those served are people who are racially and ethnically diverse and indigenous. The current demographic for SNAP E&T participants includes 45% African American, 50% White and 5% multi-race.

Community Participation Level and Impact

The Workplan requires approval by the WIB. Workforce Solutions is working with metro counties to share ideas to improve SNAP E&T programming and will gather input from program participants to improve SNAP E&T services and resources to the participants.

- Inform
- Consult
- Involve
- Collaborate
- Empower

Fiscal Impact

The grant allocations of \$126,794 for FFY2022 will fund SNAP E&T 100 (\$78,711), SNAP E&T 50/50 (\$40,000), and SNAP E&T Support Services (additional \$6,042 for a total of \$8,083. \$2,041 was previously accepted via Resolution B2020-205).

Historically, the potential exists for additional funding to be received from DHS mid-year FFY2022.

County Manager Comments

No additional comments.

Last Previous Action

On October 20, 2020, the Ramsey County Board authorized an agreement with the Minnesota Department of

Human services to provide Supplemental Nutrition Assistance Program Employment and Training Services (Resolution B2020-205).

On November 5, 2019, the County Board authorized an agreement with the Minnesota Department of Human services to provide SNAP E&T services (Resolution B2019-251).

Attachments

1. Memorandum to the Ramsey County Board
2. SNAP E&T Workplan
3. Allocation Award

To: Ramsey County Board of Commissioners
CC: Ryan O'Connor, Johanna Berg
From: Ling Becker, Director, Workforce Solutions
RE: Intent to Apply for SNAP Employment and Training 2022 Funds
Grant: Local Plan Application for the SNAP Employment and Training Funds to Administer Employment and Training Program for the SNAP Eligible Residents of Ramsey County
Date: July 8, 2021

Ramsey County Workforce Solutions (WFS) administers the Supplemental Nutrition Assistance Programs Employment and Training (SNAP E&T) for all eligible Ramsey County residents on behalf of the Department of Human Services (DHS). Counties are required to submit a yearly plan to DHS describing details of the program operations including how they will coordinate with other employment programs and other support systems.

WFS' goal is to help SNAP E&T eligible residents fully utilize their SNAP benefits, gain essential skills needed for gainful employment, and successfully transition off public assistance. There is a statewide focus on offering a skill-development continuum of services to residents. The goal is to work collectively with community and local colleges, community-based organizations, WIOA programs and others to build creative and innovative approaches to provide services to the residents across the local area, leverage multiple funding streams and help residents secure employment.

WFS plans to enroll 220 SNAP participants who can benefit from SNAP E&T services. In addition to the Ramsey County Board of Commissioners, the Workforce Innovation Board WIB is informed of the SNAP E&T Local Plan.

Due date: July 9, 2021 (DHS released the Local Plan information on June 21, 2021)

Amount: \$347,621 in SNAP 100% funding and \$40,000 in SNAP 50/50 reimbursement. The actual amount for 100% funding will be determined by DHS based on the funds available

Status: Once awarded, WFS will provide an update and will provide ongoing updates and information regarding program administration to the full WIB.



Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) Federal Fiscal Year 2022 Workplan

[Oct. 1, 2021 - Sep. 30, 2022]

All SNAP E&T entities including counties, tribal nations, third-party providers and Department of Employment and Economic Development (DEED) are required to complete relevant sections of this plan and submit responses by July 9, 2021.

Instructions

Use the keys below to review, save, print and submit your FFY 2022 SNAP E&T workplan. As you work on your responses, click the save button to store your responses and follow the instructions to return to where you left off. Note that only the person completing and saving the document will be able to retrieve it. When the plan is ready to be reviewed by your agency's respective authorities, save and print a copy. When the workplan is reviewed and certified (no hard signatures required), print a copy for your records (using LANDSCAPE orientation). After printing, click the submit button to send your document to the Department of Human Services, SNAP E&T Team.

Requirements

All SNAP E&T entities are expected to market E&T (provide information about available services) to SNAP recipients and connect them to service providers. Recipients include those who are working or potentially able to work (both Abled-Bodied Adults without Dependents (ABAWDs) and other SNAP recipients). For those working, E&T services can enhance skills to advance in the workplace. For those not working, skills building, and employment training can increase employability in Minnesota's workforce.

The [SNAP E&T website](#) contains a statewide map of current service providers whose services can be accessed by SNAP recipients across the state, not limited to a county or reservation border. The SNAP E&T team is available to provide technical assistance and answer any questions specifically related to how your county can market E&T to recipients and refer them to one of these providers.

Time-limited ABAWDs must continue to work or participate in employment and training activities for an average of 20 hours per week, totaling 80 hours per month, in order to maintain their food benefits beyond three counted months. More details on ABAWDs and current Banked Month guidance is available by accessing the document titled [Serving ABAWDs](#) on the SNAP E&T website. While time-limited recipients will continue to be a priority group, growth in SNAP E&T is projected to reside with other low-income and low-skilled SNAP recipients.

Some counties and tribes may be eligible for an ABAWD waiver from the time limit and work provisions. Whether or not a county or tribe is waived, with the opportunities to leverage the federal 50 percent reimbursement funding stream, along with the 100 percent fund allocation, recipients can benefit from the increasing range of available E&T services. Currently, these include services provided by some agencies in-house, by agency-contracted providers, state-contracted (DHS) providers and DEED's E&T grantees. Using non-federal dollars and seeking a 50 percent reimbursement could return funds to local areas which can be reinvested into employment and training, and thus grow the SNAP E&T program to serve a larger number of SNAP recipients.

Tribal programs may be reimbursed up to 75% for administrative, program, and support service costs related to SNAP E&T participants who reside on Tribal land; participants do not have to be an enrolled Tribal member. Community based organizations and community colleges, including Tribal Colleges, serving primarily American Indians may also be reimbursed up to 75% for expenses related to SNAP E&T participants who reside on Tribal land. It is the responsibility of the grantee to retain this documentation for audit purposes.

Funding

In the past, Minnesota used its 100 percent federal allocation to fund its E&T services. Minnesota is now using a second federal funding stream, referred to as 50 percent reimbursement funds (50/50 funding) to expand its SNAP E&T services. This entails funding SNAP E&T activities using non-federal dollars (not used as a match for another federal program) to serve eligible SNAP recipients, and seeking a 50 percent reimbursement, which comes back to the provider. Reimbursement funds received are considered non-federal dollars and can be reinvested in E&T. These funds must be received, spent on valid SNAP E&T costs, and invoiced through the regular invoicing process. All third-party providers use non-federal dollars for E&T services and seek reimbursements. Counties can access this funding in addition to 100 percent allocation.

Providers

Currently, some entities choose to provide SNAP E&T services either in-house or through a county-contracted E&T provider. DHS continues to contract directly with third-party providers to increase the range of E&T services across the state. As of FFY 2021, 24 third-party providers have a direct contract with DHS. In addition, the Department of Employment and Economic Development (DEED) has grantees providing SNAP E&T services. These providers bring an array of additional skills development and training programs that respond to labor market needs, and prepare individuals with low incomes to fill jobs that employers are seeking.

Collaboration

The department is encouraging greater collaboration among all SNAP E&T entities to ensure recipients maximize the range of services offered by diverse providers. DHS encourages SNAP E&T partners to collaborate and make referrals for other services that are not available through the current provider, exposing the SNAP recipient to a range of services that best align with their needs. For example, when a participant nears the end of their vocational training goals, the organization may refer to another organization to provide job search, if the original organization does not have adequate job search assistance available. Based on new guidance from United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), SNAP E&T providers must notify agency eligibility workers when making a provider determination. More information will follow.

Co-enrollment

Some of the benefits to co-enrollment in other programs include continuation of services if SNAP ends and access to additional funding sources and other services to help ensure participants succeed in their employment goals. Co-enrollment in other programs, such as the Workforce Innovation and Opportunity Act (WIOA), may provide countable activities for a time-limited participant, allowing the participant to earn additional benefit months. When Minnesota Family Investment Program (MFIP) closes, a participant may transition to SNAP E&T. Transitioning to E&T would provide a continuation of supports while completing goals.

In some situations, participants can access services from more than one provider. For example, a third-party provider can work with a college to help the same participant achieve individual employment plan goals. Both providers may work with the participant at the same time, while not providing duplicative services.

It is the providers' responsibility to coordinate services for co-enrolled participants to prevent duplication of service. Duplication of service means the participant receives the same service or support from multiple providers.

SNAP E&T entities

Check one of the choices below that identify your SNAP E&T grouping or entity:

- County agency or county agency cohort (providing services in-house or through a county agency-contracted provider)
- Third-party provider or tribal nation (DHS-contracted provider)
- Department of Employment and Economic Development (DEED). This option should only be selected by DEED, lead agency for cohort of community organizations.

County agencies

How many county agencies are part of your FFY 2022 SNAP E&T Workplan? [If a single county agency, enter 1]

1

County agency name

Ramsey County

Program contacts

Provide a program contact for each of the county agencies listed above.

Name:	Title:	Phone:	Email:
Ling Becker	Director	651-266-6001	ling.becker@co.ramsey.mn.us

Collaboration contacts

Greater collaboration among all SNAP E&T entities can ensure recipients maximize the range of services offered by diverse providers. Complete the table with the name, title, phone number and email address for in-house and/or county-contracted provider personnel who should be contacted by outside third-party providers (TPPs) that may be working with a SNAP E&T participant living in your local service area. The purpose of this is to increase collaboration and ensure pertinent information is exchanged, especially regarding participants with time-limited benefits.

Name:	Title:	Phone:	Email:
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Lisa Guetzkow	Manager	651-266-6006	lisa.guetzkow@co.ramsey.mn.us
Hua Moua	Planning Specialist	651-266-6053	hua.moua@co.ramsey.mn.us

Fiscal contact

Provide a fiscal contact below. If you are a cohort of counties, provide the fiscal contact for the host county.

Name:	Holly Pratt
E-mail:	holly.pratt@co.ramsey.mn.us
Phone:	651-266-6007

Service provision

What E&T service provision type(s) will your agency be using in FFY 2022? [CHECK ALL THAT APPLY]

<input checked="" type="checkbox"/>	In-house
<input type="checkbox"/>	County-contracted
<input checked="" type="checkbox"/>	State-contracted (DHS) or DEED-contracted sub-grantees (see the provider map on the SNAP E&T webpage)
<input type="checkbox"/>	Other (such as Veterans Affairs services, WIOA, ABE, etc.)

Work registrants

Briefly describe your agency's process for screening work registrants for referral to E&T.

All FAS Financial Staff are expected to ask questions that are relevant to code the client for applicable FSET and ABAWD exemptions. Screeners, Intake Interviewers, and Case Management Financial Workers run Bluezone Scripts "ABAWD Screening Tool" and "ABAWD FSET Exemption Check." When eligibility is determined, Financial workers look at any used ABAWD months, if they have used the 2nd 3 month period of eligibility (if eligible = 80 hours in a 30 day period since last receiving SNAP), and eligibility for banked month for certain populations. A discussion on willingness to work with SNAP E&T is discussed when applicable.

Please respond to the following statements specific to work registrants. Reference sources are provided for additional information.

	Yes	No	N/A
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<p>Domestic violence: Does your agency explain domestic violence as part of agency's screening process? MS 256.029</p>	<p>Domestic violence: Does your agency explain domestic violence as part of agency's screening process? MS 256.029 Yes <input checked="" type="radio"/></p>	<p>Domestic violence: Does your agency explain domestic violence as part of agency's screening process? MS 256.029 No <input type="radio"/></p>	<p>Domestic violence: Does your agency explain domestic violence as part of agency's screening process? MS 256.029 N/A <input type="radio"/></p>
<p>Communicating E&T requirements: [Does your agency <u>verbally explain</u> the SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply? 7 CFR 273.7(a)(1-6)</p>	<p>Communicating E&T requirements: [Does your agency <u>verbally explain</u> the SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply? 7 CFR 273.7(a)(1-6) Yes <input checked="" type="radio"/></p>	<p>Communicating E&T requirements: [Does your agency <u>verbally explain</u> the SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply? 7 CFR 273.7(a)(1-6) No <input type="radio"/></p>	<p>Communicating E&T requirements: [Does your agency <u>verbally explain</u> the SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply? 7 CFR 273.7(a)(1-6) N/A <input type="radio"/></p>
<p>Compliance: Does your agency have a written script on SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply that case workers follow? SNAP E&T</p>	<p>Compliance: Does your agency have a written script on</p>	<p>Compliance: Does your agency have a written script on</p>	<p>Compliance: Does your agency have a written script on</p>

	<p>SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply that case workers follow? SNAP E&T Yes <input checked="" type="radio"/></p>	<p>SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply that case workers follow? SNAP E&T No <input type="radio"/></p>	<p>SNAP E&T program requirements, rights and responsibilities of work registrants, and consequences of failure to comply that case workers follow? SNAP E&T N/A <input type="radio"/></p>
<p>Employment plan: Does your agency require SNAP E&T participants to sign the employment plan? SNAP E&T</p>	<p>Employment plan: Does your agency require SNAP E&T participants to sign the employment plan? SNAP E&T Yes <input checked="" type="radio"/></p>	<p>Employment plan: Does your agency require SNAP E&T participants to sign the employment plan? SNAP E&T No <input type="radio"/></p>	<p>Employment plan: Does your agency require SNAP E&T participants to sign the employment plan? SNAP E&T N/A <input type="radio"/></p>
<p>Disputes: Does your agency have a written grievance process? 7 CFR 273.7(f)(6)</p>	<p>Disputes: Does your agency have a written grievance process? 7 CFR 273.7(f)(6) Yes <input checked="" type="radio"/></p>	<p>Disputes: Does your agency have a written grievance process? 7 CFR 273.7(f)(6) No <input type="radio"/></p>	<p>Disputes: Does your agency have a written grievance process? 7 CFR 273.7(f)(6) N/A <input type="radio"/></p>

Good cause: Does your agency have a written good cause policy? [7CFR 273.7\(e,f\)](#)

Good cause:
Does your agency have a written good cause policy?

[7CFR 273.7\(e,f\)](#)

Yes

Good cause:
Does your agency have a written good cause policy?

[7CFR 273.7\(e,f\)](#)

No

Good cause:
Does your agency have a written good cause policy?

[7CFR 273.7\(e,f\)](#)

N/A

Marketing and referral

Marketing and referral of recipients to available service providers is key to increasing participation in workforce preparation activities. How are you planning to market and connect SNAP recipients to E&T providers? [CHECK ALL THAT APPLY]

- Verbal communication
- Written script and information
- DHS website information
- Other

For "other", describe below, including a description of the other check boxes:

Program services will be shared with participants at SNAP E&T Orientation, An estimated 10 participants will be referred out to co-enroll in WIOA program or other Career pathways training programs, if eligible. An estimated 50 participants will be referred to ESL, ABE or other educational training programs as needed

Funding

Your SNAP E&T activities will be funded by which of the following funding stream(s): [CHECK ALL THAT APPLY]

- A. Federally allocated 100 percent funds
- B. Non-federal funds (requesting 50 percent reimbursement)
- C. Not requesting funding

Overview

Provide a succinct overview of your SNAP E&T activities including goals and outcomes for participants:

Recruitment/Outreach/Marketing/Referral: Within a 12-month period of time approximately 2,500 referrals for SNAP E&T are made to WFS. WFS provides outreach and follow-up to each referral and invites participants to attend an orientation and enrollment session which explains the program requirements, services offered, activities and requirements and career pathway opportunities. Orientations are one to two hours long and are available three times a week. Orientations are available in English speaking and non- English speakers facilitated by interpreter(s) in a group or one-on-one setting. Once the Covid-19 pandemic subsides enough to allow for in-person services, SNAP E&T orientations are anticipated to be offered both virtually and in person at the Ramsey County Government Center, located at 160 Kellogg Blvd, St. Paul and additional community based locations to be determined. Through the orientation sessions, WFS will enroll an estimated 220 participants in the SNAP E&T program during this next program year. Within 30 days of enrollment, participants will complete a thorough assessment with a counselor and will develop a comprehensive employment plan which will emphasize the strengths and abilities of the individual. The counselor will utilize motivational interviewing and coaching strategies to help participants define their own path and identify strategies to achieve their goals. The counselor will provide participants with job leads, housing/food resources, assist with development of resumes, cover letters, make referrals to workshops, work experience programs, education and any other resources necessary to provide stability to the individual to become engaged and employed. Case management may include employability, intake assessments, barriers identification, monitoring of programs and support and collaboration with other employment or social services providers in Ramsey County. Once a participant becomes employed, 90-day retention services are available to ensure a successful transition off SNAP. Participants are eligible to receive support services to assist with their activities. Goals and Outcomes: Workforce Solution's goal is to help SNAP E&T participants achieve the greatest level of stability and economic independence through providing participants with the services and resources needed to have the opportunity to improve their education, employment and economic stability. The average SNAP E&T participant in Ramsey County is 33 years old, 64% report no education beyond a high school diploma or GED, 27% report being homeless, 18% are limited English proficiency, 16% chemically dependent, 11% are justice involved, 10% have a disability reported as barrier to employment and 42% have been unemployed 6 months or longer. The average wage at enrollment is \$0 and average wage at exit is \$14.48; the average length of time in the program is just over 6 months. The employment plan activities beyond completing orientation and assessment will take into consideration these challenges and despite these demographics it is anticipated that about a third will be employed to some degree while participating in the program, 70% will participate in job search/readiness and training activities and about another 10-15% will need to be connected to appropriate resources and services to address social service needs. As we enter into a post pandemic economy and service delivery design, additional outcomes such as increased co-enrollment and education & training attainment will be benchmarked during this grant year cycle. The focus at this time will be engagement and increased enrollment from the pandemic impacts.

Provider information

If your agency is contracting with outside SNAP E&T providers, how many providers will you be contracting with in FFY 2022? If none, enter zero.

0

Federal components and workforce one activities

The following is a list of federal component acronyms and corresponding activities found in Workforce One (WF1). Complete the following for activities your agency will offer in-house and/or through contracted provider(s). Refer to the [Minnesota SNAP E&T Components and Activities](#) for guidance and definitions. Identify the E&T activities offered by entering the number of individuals (whole numbers with commas) to be served for each activity by provider(s) and funding source(s). A participant could be counted once for each activity they participate in (duplicate count). Ignore the columns that are "[not asked]".

Additional information required:

For **each** component/activity with an asterisk [*], provide the following additional information.

Description of the activities and services, target population, criteria for participation, geographic area the activity be available, identify all entities that will provide the service, projected annual participation, and estimated annual activity cost (project only administrative costs).

For specific information required on some components, note the following:

1 Direct link: Explain how the supervised job search activity will have a direct link to increasing the employment opportunities of individuals engaged in the activity. How will individuals be assessed to determine if they have the skills necessary to be successful in supervised job search?

2 Not supplanting: Federal E&T funds used for activities within the education component must not supplant non-federal funds for existing educational services and activities. For any education activities, provide evidence that costs attributed to the E&T program are not supplanting funds used for other existing education programs.

2 Cost parity: If any of the educational services or activities are available to persons other than E&T participants, provide evidence that the costs charged to E&T do not exceed the costs charged for non-E&T participants.

Components and activities	In-house	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	[Not Asked]	100 percent funds	Non-federal Funds
SJS - Supervised job search (*, 1)	150												150	20
JST - Job search training (*)	30												30	
W - Workfare (*)	0												0	

SET - Self-employment training (*)	0												0	
JR - Job retention services (*)	75												75	16
EPB - Basic education and/or foundational skills instruction (*, 2)	30												30	
EPC - Career and/or technical education programs or other vocational training (*, 2)	42												42	20
EPEL - English language acquisition (*, 2)	20												20	
EPIE - Integrated education and Training (IET)/bridge programs (*, 2)	0												0	
EPWRT - Work readiness training (*, 2)	0												0	
WA - Work activity (*)	0												0	
WBLOJT - On-the-job training (*)	0												0	
WBLPA - Pre-apprenticeship/apprenticeship (*)	0												0	

WBLI - Internship (*)	0												0	
WBLTJ - Transitional jobs (*)	0												0	
Employability assessment	220												200	20
Orientation	220												200	20
Employed full-time	30												30	8
Employed part-time	45												45	8
Holding	0												0	
Local flag	0												0	
Social services	22												22	

Unduplicated count

Estimate the total number of individuals to be served by each funding stream (unduplicated) in FFY 2022. If an individual is served by both funding streams, count them once in each. If your area is using only one funding stream, leave the other blank.

100 Percent Funds	200
Non-Federal Funds	20

Provide required details on the **Supervised job search** activity (*, 1).

-Employment Counselor assists & coaches clients ongoing with job searching, writing/editing resume and cover letters -Provide job leads and training opportunities

Provide required details on the **Job search training** activity (*).

-Client is placed in this activity when they want to engage in workshops -Employment Counselor provides clients with workshop opportunities

Provide required details on the **Job retention services** activity (*).

-Client reports work hours to EGC -EGC provides assistance with further job search resources if a new/additional job is desired and resources to help clients keep their job -Client remains active with E&T for 90-days for this service.

Provide required details on the **Basic education and/or foundational skills instruction** activity (*, 2).

--Employment Counselors checks in regularly on progress, grades, stress management, and overall wellbeing -Grades are collected at the end of each semester -Partners are (but not limited to): Clues, Hubbs Center, HAP, Vietnamese Social Services, International Institute of Minnesota

Provide required details on the **Career and/or technical education programs or other vocational training** activity (*, 2).

-Employment Counselor makes referrals based on employment plan, goals, skills and interests -Employment Counselor checks in regularly progress, grades, stress management, and overall wellbeing and provides support and resources as needed -Grades are collected at the end of each semester

Provide required details on the **English language acquisition** activity (*, 2).

-Employment Counselor provides referrals to services as determined from assessment; -Employment Counselor provides ongoing engagement on progress, grades, and overall wellbeing -Resources provided as necessary -Grades are collected at the end of each semester -Partners are (but not limited to): Clues, Hubbs Center, HAP, Vietnamese Social Services, International Institute of Minnesota

Support services: Review the [Guidance on Costs and Reimbursements](#) document and identify (list) the support services (such as transportation, course registration fees, etc.) your agency will provide to assist participants in-house and/or through county-contracted providers.

Depending on the availability of the support services, engaged participants will be eligible to receive support services to help with their participation in approved and allowable activities. The support services may include: transportation (Bus/Gas Card), Interview clothing, course registration fees and training materials.

SNAP E&T has been included as a partner in Minnesota's State Combined Plan under WIOA. If your area offers WIOA programs, how are you integrating these with SNAP E&T? If you are not currently co-enrolling your SNAP E&T participants in WIOA programming, what steps do you plan to take to begin doing this in the future?

Ramsey County will coordinate with our Workforce Innovation & Opportunity Act (WIOA) program, Adult Dislocated Worker Program, community-based programs and other employment or educational programs to enhance services to SNAP E&T participants. These partnerships will maximize use of resources and increase access to opportunities for employment, education, and training for SNAP E&T participants. Co-enrollment with WIOA services is completed when appropriate, as well as any other training opportunities that can be utilized to create a seamless continuum of services for the participant. The WIOA program has dedicated a supervisor to ensure there is staff coordination between the two programs and assist participants as needed. This includes providing WIOA resources and information during SNAP E&T orientation and ongoing weekly to monthly communication with the SNAP E&T Counselor. Our goal is to work very closely with WIOA to increase the number of SNAP E&T receiving services. Through our partnership, we will determine if SNAP eligible individuals are open on any other programs and, if so, we will coordinate services with other programs to ensure no duplication of services but rather continuity of services.

How would your SNAP E&T services interface with other programs such as the Minnesota Family Investment Program (MFIP) and General Assistance (GA) recipients?

WFS is the county administrator of employment and training services including SNAP E&T, Diversionary Work Program (DWP), Minnesota Family Investment Program (MFIP), Workforce Innovation and Opportunity Act (WIOA), and Dislocated Worker Programs. In addition to providing direct employment services, WFS also contracts with a variety of community-based organizations - each offering a full array of employment services and employment support services for participants. Ramsey County Workforce Solutions is the leading partner in the consortium for One-Stop Operator for Workforce Development Area 15, Ramsey County. The other members of the consortia include WIOA, Minnesota Job Services and Minnesota Vocational Rehabilitation Services. The Workforce Innovation Board WIB has adopted a Federated model of service delivery requiring services to be delivered from CareerForce Centers, Specialized Centers, Affiliate Sites, and community sites such as libraries and colleges. Our services are delivered from a client-centered, resident's first, approach in a comprehensive service delivery method. At any point of entry, customers are offered navigation services and connections to specific programs that can meet the needs of individuals

and families to assist them in building the skills needed to find and keep suitable employment. Resources and referrals regarding program specifics such as MFIP, DWP, SNAP E&T will be available to all customers receiving services in community-based locations (sites to be determined post pandemic), CareerForce Centers, and Ramsey County Service Center sites. When an individual's needs are identified by staff, referrals to partner organizations will be made. Direct referrals to specific eligible programs will be made as well as shared services that cross programs. In addition, WFS SNAP E&T provides information regarding other services, programs and resources available to the participants during individual assessment and employment plan development. Our goal is to create a continuum of services through communication, coordination, resource sharing with WIOA and MFIP community-based partners. In addition, if SNAP E&T participants are eligible for any other services or programs, a referral will be made, as well as follow-up to ensure the person obtained resources as a result.

100 percent funds

For E&T activities in FFY 2022, estimate the projected administrative, program and support service costs for services to recipients provided in-house, through a county-contracted provider and/or costs associated with marketing/connecting recipients with other providers. The county may be asked to resubmit these estimates when final allocation amounts are issued. Refer to the [Guidance on Costs and Reimbursements](#) when determining administrative, program, and support service activities and costs.

Administrative costs:

45342

Program costs:

295279

Support services funds

Support services costs:

7000

Projected 100 Percent Fund request (auto-calculated) = \$340621

Projected Support Services Fund request (auto-calculated) = \$7000

Non-federal funds

Complete the following estimates on the projected amounts of non-federal funds which the local area is projecting to spend on E&T activities for which a

50 percent reimbursement will be claimed. Refer to the [Guidance on Costs and Reimbursements](#) when determining administrative, program, and support service costs.

Administrative costs:

1200

Program costs:

12000

Support services costs:

26800

Support services estimates

<u>Item A</u> : Estimated number of E&T participants to receive support services.	20
<u>Item B</u> : Estimated budget for support services.	26800
<u>Item C</u> : Estimated amount of support services per E&T participant per month [(Item B/Item A)/12].	1340

Cost summary

100 percent fund request (auto-calculated): \$340621

Support service fund request (auto-calculated) = \$7000

Non-federal expenditures for which you will seek a 50 percent reimbursement (auto-calculated): \$40000

Assurances

Check the respective boxes below indicating that you have read, agree to and are in compliance with the following assurance statements:

Program requirements

All activities authorized by this agency workplan are in accordance with SNAP Employment and Training regulations.

- Program activities are conducted in compliance with all applicable federal and state laws, rules, and regulations, including civil rights and Office of Management and Budget (OMB) regulations governing cost issues.

Staffing

- Staff for the administration and operation of the program are competent, professional, ethical and qualified for the position held, and have a firm understanding of the pertinent rules and regulations.

Contracting and oversight

- If applicable, contracts are procured through competitive bid procedures governed by state procurement regulations.
- The agency is accountable for the contents of the agency workplan and will provide oversight of any sub-grantees.

Collaboration and partnerships

- By accepting SNAP E&T funding, the agency agree to partner and collaborate with other state contracted 50/50 providers, if available, so SNAP recipients can access the range of services available through the SNAP E&T network of providers. The state SNAP E&T team is available to support and provide technical assistance in this process.
- Agency shall provide support services such as counseling, case management, transportation, financial, as needed by SNAP E&T participants. Referrals to other SNAP E&T partners and/or community services, such as agency departments or family services, will be made when appropriate.

Education and training

- Education and training activities must directly enhance the employability of the participants; there is a direct link between the education activities and job-readiness.

Participants served

- Individuals served under SNAP E&T must not be receiving Title IV-A assistance (MFIP).
- SNAP recipients upon initial enrollment, shall be provided an assessment which outlines their strengths, job skills needs, interests and abilities. An Employment Plan (EP) will be developed, listing achievable goals which would lead to transitioning into unsubsidized employment. The EP will be made a part of each participant's permanent file and will be updated as necessary.

Costs and reimbursements

- Documentation of agency costs, payments and donations for approved E&T activities are maintained and available for federal and state review and audit.
- The [Guidance on Costs and Reimbursements](#) document has been reviewed.
- Program activities and expenses are reasonable and necessary to accomplish the goals and objectives of SNAP E&T.

- If in-kind goods and services are part of the budget, only public in-kind services are included. No private in-kind goods or services are claimed.
- Cash or in-kind donations from other non-federal sources have not been claimed or used as a match or reimbursement under any other federal program.
- The agency is fiscally responsible for SNAP E&T activities funded under the plan and is liable for repayment of unallowable costs.
- Agency or state education costs will not be supplanted with federal SNAP E&T funds.

Records and files

- Case records will be maintained for each client and be available for federal and state monitoring and audits. These shall be retained for up to 6 years.
- Documentation and records for support service expenditures must be retained on file for no less than three years to verify SNAP E&T costs at a participant transactional level.

Workforce development board

- Information was shared with the Workforce Development Board and the board have been consulted on the agency's SNAP Employment and Training (SNAP E&T) workplan for FFY 2022.

Certification

By checking the box below, I hereby certify that SNAP E&T workplan has been prepared as required under the provision of Minnesota Statute, Chapters [§256D](#) and [§256D.051](#).

Agency director (or authorized personnel)

Name:

Title:

Date:

Submission of workplan

Saving, printing, and submitting your plan

Use the keys below to review, save and print your SNAP E&T workplan. When the plan is ready for submission, print a copy for your records and click the submit button to send this workplan response to the department.

Thanks,
SNAP E&T Team

October 4, 2021

Director of Workforce Solutions
Workforce Solutions

Ramsey County Workforce Solutions:

Thank you for the Local Area Plan outlining the details of your SNAP Employment and Training (SNAP E&T) program for Federal Fiscal Year 2022 (FFY 2022).

Minnesota has a total of \$476,865 available to counties in administrative and program funds and \$50,000 in support service funds this year.

After evaluating the proposals, taking into consideration your projected goals and expenditures, we can offer you **\$78,711** in administrative and program funds, and **\$8,083** in support service funds. NOTE: The \$8,083 in support service funds *includes* the \$2,041 already issued on July 1, 2021.

DHS has also approved your **\$40,000** expenditure budget for which you may receive 50% reimbursement on for services provided to SNAP E&T participants.

We realize these amounts may not allow you to operate the program for a full year. We ask that you pursue program operation until these funds are exhausted and contact us when that has occurred. Minnesota has already applied to Food and Nutrition Service for additional program funds. If we are successful, we will notify you immediately so you can submit a new request to DHS for additional funds.

Please indicate your acceptance of these funds by signing below:

NAME (print clearly)	Authorized Signature	Date

If you have questions or concerns, please feel free to contact me at 651-431-6318 or by email. We look forward to working with your agency in FFY 2022.

Thank you,

Andrea McConnell, SNAP E&T Program Specialist

Item Number: 2021-593

Meeting Date: 11/9/2021

Sponsor: Workforce Solutions

Title

Minnesota Family Investment Program Biennial Service Agreement for 2022-2023

Recommendation

1. Approve the submission of an application to the Minnesota Department of Human Services for the 2022-2023 Minnesota Family Investment Program Biennial Service Agreement Grant in an amount of \$20,370,954.
2. Authorize the acceptance and expenditure of grant awarded funds from the Minnesota Department of Human Services for the Temporary Assistance for Needy Families Block Grant for the period of January 1, 2022 through December 31, 2023.
3. Authorize the County Manager to apply for and accept additional Grant funds from the Minnesota Department of Human Services for the period of January 1, 2021 through December 31, 2023.
4. Authorize the County Manager to enter into agreements and contracts and execute amendments to agreements and contracts in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.
5. Authorize the County Manager to make temporary transfers, as needed, from the County General Fund to Workforce Solutions to cover program expenses until program funds are received, with repayment to be made upon receipt of the funds.

Background and Rationale

Ramsey County Workforce Solutions administers the Employment Services portion of the federal Temporary Assistance for Needy Families Program (TANF) through the state's Minnesota Family Investment Program (MFIP) and Diversionary Work Program (DWP). Employment services are provided directly by Workforce Solutions staff as well as by contracted providers. Emergency and Crisis Services are provided directly by Ramsey County's Health & Wellness Service Team.

Minnesota Statutes Section 256J.626, subdivision 4(a), requires counties and nation/tribes to have a Biennial Service Agreement (BSA) approved by the Minnesota Department of Human Services (DHS) in order to receive TANF Block Grant Consolidated Funds (Consolidated Funds). The purpose of the BSA is to provide DHS with information about services and strategies intended to meet program measures with the goal of increasing the economic stability of low-income families. The different sections of the BSA gather information about program strengths and service delivery gaps. The BSA will give DHS a comprehensive assessment of current efforts, insight into what types of assistance is needed, and information on strategies to better serve participants in obtaining and sustaining gainful employment that will ultimately lead to greater self-sufficiency.

MFIP is a comprehensive work-focused program in which participants are encouraged and expected to work. In preparation for work, and/or retaining employment, participants are required to engage in MFIP approved work activities.

DWP is a short term (fourth month) work-focused program that helps parents quickly find work so that they do not need to go on MFIP.

The Consolidated Funds will provide funding for the following services, as further described in the BSA:

- Diversionary Work Program
- MFIP Employment Services Program
- Extension work-focused services Program, post 60-month MFIP
- Emergency and Crisis Services
- Family Stabilization Employment Services
- Support Services
- Unpaid work experience/Transitional work experience
- Career coaching and trainings
- Guided self-determination skill building and executive skill building for participants
- Reducing racial disparities efforts (Partners for Equity special projects) and increasing meaningful efforts towards authentic community engagement
- Incorporation of lifelong learning initiative and motivational interviewing

Minnesota Statutes Section 256J.626, subdivision 4(d) requires that counties or nation/tribes must allow a period of no less than 30 days for public comments on the contents of the BSA. The proposed BSA was posted on several Ramsey County website locations on September 15, 2021. No verbal or written comments were received by the deadline of October 14, 2021.

The 2022-2023 BSA is due to DHS by October 15, 2021; however, Workforce Solutions received an extension from DHS to submit the BSA upon the approval of Ramsey County Board of Commissioners. Upon DHS approval of the BSA, Workforce Solutions will receive the Consolidated Funds allocation estimated at \$20,370,954 annually for 2022 and 2023. The potential exists for additional funding to be received; for example, MFIP/TANF supplemental funds, consolidated work experience funds, and MFIP/TANF funds targeted for racial disparity reduction or innovations.

County Goals (Check those advanced by Action)

- Well-being Prosperity Opportunity Accountability

Racial Equity Impact

Once approved, the funding will be used for all individuals residing in Ramsey County who are eligible for the DWP and MFIP to better serve and support the whole family. Ramsey County DWP and MFIP outcomes have shown persistent disparities between White participants and African American, American Indian and more recently Hispanic participants. In addition to direct services provided, Workforce Solutions has engaged with community to co-create and deploy a series of additional efforts and models to reduce racial and ethnic disparities. Below are some examples:

1. Workforce Solutions has a culturally specific agency model, where services incorporate and build upon participant, family, community and cultural assets. Workforce Solutions continues to work on strengthening this model through ongoing community engagement efforts.
2. Partners for Equity efforts- Workforce Solutions contracts with three culturally specific community-based organizations to deliver comprehensive, strength-based, and culturally specific family stability services to African American, American Indian and Hispanic families receiving MFIP.
3. Cultural Consulting: Ramsey County values the communities we serve and the richness of consultation in a cultural context to better serve our families and residents in our employment and education programs. Through lending input and guidance, consultants are integral to our services and will be connected and engaged with communities experiencing racial disparities.

Community Participation Level and Impact

The department consulted with the community by posting the BSA online for open comments for 30 days. No comments or input has been received.

Ramsey County continues to engage and co-create programming with communities to ensure services and resources are directed in the most meaningful ways to families. Below are some areas where community engagement currently occurs and/or will be improved:

- Building partnerships with culturally specific organizations, educational institutions and employers.
- Engaging cultural consultants in focused conversations with the community.
- Investing in staff development and co-location across programs.
- Evaluating community-based projects and getting feedback from program participants.
- Sharing program information with the Workforce Innovation Board of Ramsey County.
- Collaborating with mental health community providers through service delivery.
- Engaging more closely with educators, employers and other service providers.

Inform Consult Involve Collaborate Empower

Fiscal Impact

Ramsey County is estimated to receive a Consolidated Funds allocation of \$20,370,954 for 2022 and 2023 annually. The allocation will be distributed between Workforce Solutions (70%) and Health & Wellness Service Team (30%) to provide the above-mentioned services. The potential exists for additional funding to be received. This grant award is included within the proposed 2022-2023 biennial budget.

County Manager Comments

No additional comments

Last Previous Action

On November 5, 2019, the Ramsey County Board approved the 2019-2020 Biennial Service Agreement (Resolution B2019-258).

On November 28, 2017, the Ramsey County Board approved the 2018-2019 Biennial Service Agreement (Resolution B2017-311).

Attachments

1. 2022-2023 MFIP Biennial Service Agreement

2022-2023 County MFIP Biennial Service Agreement

January 1, 2022 – December 31, 2023

Enter the county's unique ID number	62RAM966
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Contact Information

County/consortium name:	Ramsey
Plan Year:	2022-2023
Contact person:	Ling Becker
Title:	Director of Workforce Solutions
Address:	160 East Kellogg Blvd, Suite 6700
City:	Saint Paul
State:	Minnesota
Zip code:	55102
Phone Number:	651-266-6001
Email address:	Ling.becker@co.ramsey.mn.us
Confirm Email address:	Ling.becker@co.ramsey.mn.us

Note: Please review the 2022-2023 MFIP Biennial Service Agreement Bulletin for more details before you complete this document.

A. Needs Statement

1. Identify challenges in financial assistance services that are prohibiting you from properly serving MFIP/DWP families in your community?

During the pandemic, Ramsey County saw an increase of about 20% in MFIP caseloads. With the federal and DHS waivers that were previously in place for waiving certain program requirements, this increase was manageable. Now as program waivers are being lifted, the higher caseloads coupled with staff turnover will be a challenge that the Financial Assistance Services Department (FASD) faces. The Financial Worker position continues to be an entry point to other positions within the County. Many staff who leave this entry level position are leaving for outside opportunities or promoting to other permanent full-time positions within the Department and/or County. The FASD continues to work with Workforce Solutions and Human Resources to find qualified candidates who can step into these entry level positions when available.

In addition, the lack of updated technology also continues to be a challenge serving MFIP/ DWP families. Since the pandemic, FASD has transitioned most staff to an ad hoc full-time work from home model. With minimal in-office presence, the lack of available technology for residents to get a hold of their worker or submit documents in a virtual environment has been difficult. In addition, FASD systems and software lacks the updates and functionality required to perform optimal services in a virtual environment. FASD continues to work with Information Services to better meet Department needs.

2. Identify challenges in employment services that are prohibiting you from properly serving MFIP/DWP families in your community.

DWP and MFIP serve about 85% single parents who will continue to be a vulnerable but important segment of our workforce throughout this biennium. However, they have had to disproportionately put their employment aspirations on hold or altered them often dramatically due to the following challenges:

- The nature in which work and educational opportunities have evolved through the pandemic to become virtual or hybrid is likely to continue post-covid. This will present some new challenges when it comes to ensuring that families have adequate digital literacy skills and access to technology to stay competitive and engaged.
- The recovery of the economy post-covid is also very uncertain when it comes to the types of jobs that will be available and who will have the skills to take full advantage of those opportunities. Although a challenge, this presents an opportunity for employment services to ensure we are taking full advantage of working closely with educators, occupational skills providers and employers to look at the transferability of skills, design new opportunities and make full use of supported employment to train new skills to create pathways into family sustaining careers or self-employment.
- Virtual delivery of employment services will continue to be optimized moving forward and challenges may vary from provider to provider when it comes to cost, staff skills to learn new technology and ensuring that there continues to be in-person access to families who need it.
- As we enter into the first quarter of the new biennium the caseloads will be uncertain not only due to the ongoing pandemic but also due to the complex needs of families as they relate to the ending of eviction moratoriums, covid in the school systems, heightened adult and children mental health needs, instability in caseloads and caseload sizes, etc.
- Access to quality, affordable and flexible child-care options to meet the needs of working parents will be a challenge. Since 2016, Ramsey County has lost 1,500 licensed childcare slots—approximately 30% of total capacity. Further, more than two-thirds of programs in Ramsey County had to lay off staff during the pandemic.
- As a county that provides many social service programs that often times serve the same residents, we continue to work toward finding ways to make it easier for families to locate and navigate services. The challenges are many as different systems have different rules and regulations, levels of compliance and levels of resources.

3. **Identify the strengths in your community that you are most proud of that benefit MFIP/DWP families.**

Ramsey County has a strong network of community-based organizations as well as internal county services and programs to support those most in need. Over this biennium, WFS will strengthen existing

relationships and foster new ones to better coordinate services in a way that works for families. Below are some of the initiatives and strengths that we are most proud of:

- Ramsey County has a culturally specific agency model, where services incorporate and build upon participant, family, community and cultural assets. We continue to work on strengthening this model through ongoing community engagement efforts.
- The counties strategic priorities align with our desired goals for reducing racial disparities and increasing meaningful efforts toward authentic community engagement. The county has a county wide community evaluation board to ensure more community voices are heard through hosting community conversations and other methods to collect ongoing input and recommendations. Finally, the county is prioritizing a strategic effort around Residents First. The model has us re-examining our methods of service delivery and having us think about accessibility to services.
- We continue to develop a model with Public Health to better connect young MFIP parents with early childhood screening, child and teen check-ups, home visiting, social supports, primary healthcare and other resources. Over this biennium the county will be implementing and refining an early childcare and education initiative which will connect young parents with early childcare resources utilizing family coaches, navigators and employment counselors. This effort will be inclusive of creating a workforce pathway to develop additional licensed childcare providers.
- Another initiative called Reliable Opportunities Advance Dads Support (ROADS) is where WFS is partnering with the Ramsey County Attorney's Child Support Services office to provide employment services to fathers who have children in MFIP households.
- WFS is a partner in the St Paul Promise Neighborhood's "The People's Fellowship" (TPF) which is a whole family approach focused on improving the lives of multiple generations of MFIP eligible families living with the Promise Neighborhood in St Paul. 2021 is the last year where TPF will be supported through DHS' Whole Family Systems but will wrap-up with a community participatory action research project (CPAR) which will provide an opportunity for us to learn about the effectiveness of TPF and hear recommendations to inform future MFIP service delivery models. WFS is aligning caseloads with families who live in the SPPN area to provide some continuity of service and service alignment.
- Employment Services has been utilizing person-centered practices such as Motivational Interviewing, coaching, and strengths-based assessments for many years. WFS has developed and is implementing a research-based and person-centered approach which is called the Lifelong Learning Initiative (LLI). LLI helps participants identify their skills and strengths and utilize them to set and achieve measurable employment gains. In this biennium, MFIP/DWP will continue to incorporate and optimize LLI in employment services and we are developing a system-wide support and learning model for all of our service providers to ensure sustainability and relevance.
- Families Achieving Success Today (FAST), provides a comprehensive set of co-located services designed specifically for families who experience multiple barriers to employment in Family Stabilization Services, supporting WFS's belief that every parent can work to some degree and provides the opportunity for parents to obtain employment and utilize wrap around services to retain their jobs over time. Over the next biennium, FAST will be involved in a national study called NextGen to learn more about the effectiveness of FAST, may validate previous outcomes of FAST, will document the implementation model and true cost of providing FAST services to families on MFIP.
- Organizational Structure and Economic Inclusion: The intentionality of our Ramsey County organizational structure is a strength for our programs. Our Workforce Solutions department is strategically embedded into the Economic Growth and Community Investment Service Team ensuring that there is comprehensive effort to embed people into our economic development efforts. This alignment allows for deeper collaboration between Community and Economic Development and a newly established Housing Stability Department is actualized through the Ramsey County Economic Competitiveness and Inclusion Plan which is the first of its kind in the nation articulating strategies for economic and workforce inclusion intersecting workforce, housing, and economic development
- New website: Since late 2019, we've partnered with our Community and Economic Development department to create a business-centric web portal to attract and retain businesses. Embedded in this site

are a variety of tools that support not only businesses but also community partners and job counselors including Job Connect, an interactive job board, a training dashboard, an opportunity to showcase community organizations and also labor market information.

- Virtual Job Fairs: Our department's leadership and alignment into our Workforce Innovation and Opportunity Act (WIOA) efforts, is strength to our system. Since the onset of the pandemic, we have been focused on making sure that employers and job seekers can continue to make much needed connections. In partnership with other workforce development areas in the metro, we launched a virtual job fair platform that has hosted dozens of virtual events that have showcased different career and industry paths. MFIP counselors are made aware of these events and serve as conduits of helping MFIP participants to fully engage in these opportunities.

- Temp Connect: Ramsey County continues to work intentionally on ensuring we have a diverse workforce. One of our most flexible ways to bring on new employees is through our temporary employment process. While these roles only have a six-month duration, they are an opportunity to experience a variety of roles in the county. Through our newly established Temp Connect program, residents enrolled in Ramsey County workforce programs, including MFIP and DWP, are given a unique early opportunity to submit interest into temporary openings with hiring managers guaranteeing an interview for those that meet minimal qualifications.

- Over this biennium, WFS will continue to increase linkages for providers to county resources and efforts and will convene all providers on critical topics, provide more technical assistance and program monitoring.

4. What strengths and resources do you have available to address the needs of your participants? *Please **check all the resources available to participants in your service area and check whether the resource is available within MFIP financial or employment services “in-house” or from a partner organization (county resources with developed connections to MFIP), and/or an external community resource or both. If you lack the resources in your service area, check the Resource Gaps column. Add any “other” resources that you consider necessary.***

<u>MFIP</u> <u>Resource</u>	<u>Partner</u> <u>Resources</u>	<u>Community</u> <u>Resources</u>	<u>Resource</u> <u>Gaps</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABE/GED
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adult/elder services
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Career planning
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Childcare funds
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chemical health services
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Computer lab access
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Credit counseling/financial literacy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	English Language Learner (ELL)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food shelf
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing assistance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Job club
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Job development
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Job placement
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Job retention
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Job search workshops
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mental health services
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On-the- job training programs
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Post-secondary education planning
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Short-term training
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supported work/ paid work experience
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation assistance (gas cards, bus cards)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vehicle repair funds
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volunteer opportunities
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Youth programs
				Other:

5. County Program Contact Information

Please name contacts for the following programs if different from the contact on the cover page. You only need to give a person’s phone and email once.

MFIP Employment Services staff contact name	Michelle Belitz
phone	651-266-6054
email address	Michelle.belitz@co.ramsey.mn.us

DWP staff contact name	Lisa Guetzkow
phone	651-266-6006
email address	Lisa.Guetzkow@co.ramsey.mn.us

Financial Assistance Services staff contact name	Tina Curry
phone	651-266-4365
email address	Tina.curry@co.ramsey.mn.us

6. Employment Services Provider(s) Information

Statute 256J.50, subdivision.8: Each county, or group of counties working cooperatively, shall make available to participants the choice of at least two employment and training service providers as defined under Minnesota Statutes, section 256J.49, subdivision 4, except in counties contracting with workforce centers that use multiple employment and training services or that offer multiple services options under a collaborative effort and can document that participants have choice among employment and training services designed to meet specialized needs.

List your current employment services provider(s) and check the respective box to indicate which population served. If a Workforce Center is the only employment services provider, list the multiple employment and training services among which participants can choose. Section G of this form addresses provider choice.

Name and Address	Contact Person	Phone	Email	Population Served				
				MFIP ES	DWP ES	FSS	Teen Parents	200% FPG
American Indian Family Center 579 Wells Street, Saint Paul, MN 55101	Kristin Kinney	651-793-3803	Kristin_kinney@aifc.net	x		x		
Avivo 1700 West Highway 36 Ste 500, Roseville, MN 55113	Julie Kizlik	651-752-8630	Julie.kizlik@avivomn.org	x		x		
Goodwill Easter Seals MN 553 Fairview Avenue North, Saint Paul, MN 55104	Andrew Freeberg	651-379-5874	Afreeberg@gesmn.org	x		x		
Hired 800 Minnehaha Avenue E., Suite 200 St. Paul, MN 55106	John Klem	651-999-5670	John.klem@hired.org	x		x		

Hmong American Partnership 1075 Arcade Street, Saint Paul, MN 55106	Allen Malicsi	651-495-1601	allenm@hmong.org	x		x		
Ramsey County Public Health 90 Plato Blvd West, Suite 200, Saint Paul, MN 55107	Sharon Cross	651-266-1827	Sharon.cross@co.ramsey.mn.us				x	
Ramsey County Workforce Solutions 160 East Kellogg Boulevard, Saint Paul, MN 55101	Lisa Guetzkow	651-266-6006	Lisa.guetzkow@co.ramsey.mn.us	x	x	x		x
YW Works 375 Selby Avenue, Saint Paul, MN 55102	Jamela Pettiford	612-440-6217	jpettiford@ywcastpaul.org	x		x		

B. Service Models

Minnesota Family Investment Program (MFIP) and the Diversionary Work Program (DWP)

1. Do you have culturally specific employment services for different racial/ethnic groups?

No

Yes, **check all that apply.**

African American

African immigrant

American Indian

Asian American

Asian immigrant

Hispanic/ Latino

Other, please specify in the text box below.

2. What strategies do you use for hard-to-engage participants? **Check all that apply.**

Home visits

Sanction outreach services

Off-site meeting opportunities

Incentives, please specify: Merchant specific gift cards

Other, please specify in the text box below.

FAST collaborative and wraparound services

3. What types of job development do you do? **Check all that apply.**

Sector job development

Individual job development

Other, please specify in the text box below.

Job Connect

4. Do you have an ongoing job development partnership or sector base with community employers to help participants with employment?

No

Yes, **check all activities employer provides.**

Interview opportunities

Job skills training

Job placement

Job shadowing

On-site job training

Work experience

Helps plan training programs

Other, please specify in the text box below

5. Do you provide job retention services to employed participants while they are receiving MFIP?

No

Yes, **check all that apply.**

Available to assist with issues that develop on the job

Soft skills training

Financial planning

Transportation

Mentoring

Personal contact with the employee and how often: at minimum one time per

month _____

Other, please specify in the text box below.

How long do you provide job retention services?

Less than 3 months

6 months

12 months

Other: up to 9 months _____

6. Do you provide job advancement services to employed participants?

No

Yes, **check all that apply.**

- Career laddering
- Coaching/mentoring
- Education/training
- Networking
- Ongoing job search

Other, please specify in the text box below.

7. Do you utilize any career pathways programs or skill assessment and credentialing programs for your participants?

- No
- Yes, **check all that apply.**

- Pathways to Prosperity (P2P)
- National Career Readiness Certificate (NCRC)
- Work Keys
- Other: community based providers that have

training, adult basic education, customized training/education opportunities through a recent request for proposal, My Next Move_____

Family Stabilization Services (FSS)

1. Do you have professionals available to assist with FSS cases?

- No
- Yes, **check all that apply.**

- Adult Mental Health professional
- Adult Rehabilitation Mental Health Services (ARMHS) worker
- Chemical Health professional
- Children’s Mental Health professional
- Psychologist
- Public Health Nurse
- Social Worker
- Vocational Rehabilitation worker

Other, please specify in the text box below.

2. Do you make referrals for children of FSS participants?

- No
- Yes, **check all that apply.**

- Children’s Mental Health Services
- Child Wellness Check-ups
- Public Health Nurse home visiting services
- Women, Infants and Children Program (WIC)

Other, please specify in the text box below.

3. Are any of these services for children offered to non-FSS families?

- No
- Yes

Services for families not on MFIP/DWP but are under 200% of Federal Poverty Guideline

1. Do you provide services to families recently receiving MFIP/DWP or families at risk of receiving MFIP or diversionary work program but are under 200% of the Federal Poverty Guideline (FPG)?

No Yes, **check all the services that apply.**

- Child care Job retention services
 GED ABE/ELL Classes
 Job postings Computer Lab Access
 Support Services

Other, please specify in the text box below.

2. Do you serve families not recently on MFIP/DWP that are under 200% of the Federal Poverty Guideline (FPG)?

No Yes, describe below

3. Do you provide services to Non-Custodial Parents (NCPs) that are under 200% of the Federal Poverty Guideline (FPG)?

No Yes, describe below

Through WFS and in partnership with the county's child support office, we have a small program called Reliable Opportunities to Advance Dad Supports (ROADS). The Child Support office carefully reviews each potential referral utilizing the PRISM system to verify that the non-custodial parent has a child on MFIP in Ramsey County and that the income known to the Child Support office is below 200% FPG. Services provided are career counseling which includes employment goal development, referrals and connections to community resources or to occupational skills training opportunities. When employment status changes that is reported to child support and re-evaluated for FPG status.

4. Describe the process you have in place to verify income below 200% FPG for participants that are not on MFIP or DWP

X Maxis Proxy
 Other

Minnesota Family Investment Program (MFIP) Services for Teen Parents

1. Are there specialized workers who work primarily with teens?

No Yes, **check all that apply for each age group.**

**Minors
(under age 18)**

Age 18/19

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Financial worker
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Employment service worker
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Social worker
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public health nurse
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Child care worker
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Child protection worker
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Other Job Role

2. Is there a single point of contact for teens, that is, one staff with primary responsibility for keeping in contact with the teen, working with the teen, and making connections to other services? Respond for each age group separately. If yes for an age group, check the one position that serves this function within that age group.

	<u>Minors</u> <u>(under age 18)</u>		<u>Age 18/19</u>	
	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Financial worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment service worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker (Social Services)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public health nurse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child care worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child protection worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other job role: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Does your county have an active partnership with the local public health agency to get teen parents enrolled and engaged in public health nurse home visiting services? **Check one** for each age group.

<u>Minors</u> <u>(under age 18)</u>	<u>Age 18/19</u>
<input checked="" type="checkbox"/> Yes, mandatory	<input checked="" type="checkbox"/> Yes, mandatory
<input type="checkbox"/> Yes, voluntary	<input type="checkbox"/> Yes, voluntary
<input type="checkbox"/> No	<input type="checkbox"/> No

C. Performance Measures; Racial/Ethnic Disparities

1. Performance-based funding is determined by a service area's annualized Self-Support Index value. Review the information and report

links in this section to see the effect of performance on funding and reporting, based on Statute 256J.626, subdivision 7.

Each year a bonus to a service area's Consolidated Fund allocation will be based on its performance on the Self-Support Index in the previous April to March year.

The **three-year Self-Support Index (S-SI)**: This measure starts with all adults receiving MFIP or DWP cash assistance in a quarter and tracks what percentage of them, three years later, are no longer receiving family cash assistance or are working an average of 30 hours a week if still receiving cash assistance. Those who left MFIP after reaching 60 counted months and those who left due to 100 percent sanction are only counted as a success if they worked an average of 30 hours per week in their last month of eligibility or if they began receiving Supplemental Security Income (SSI) after family cash assistance ended. To provide fair comparisons across service areas, DHS calculates a "Range of Expected Performance" for the S-SI that is based on local caseload characteristics and economic conditions. The service area's Self-Support Index value is whether the service area was above, within, or below its expected Range.

The S-SI and Range are annualized for the four quarters in the April through March year ending in the reporting year before the funding

year. See the annualized report on the MFIP Reports page on the DHS website for 2021

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4651H-ENG>. A service area with an annualized S-SI "above" its customized Range of Expected Performance for 2021 will receive a

2.5 percent bonus added to its Consolidated Fund allocation for calendar year 2022.

[Minnesota Family Investment Program 2021 Annualized Self-Support Index \(PDF\)](#)

- If your service area is receiving a bonus, congratulations! Please share a success strategy:

- If your service area performed "above" or "within," you can go to item 2.
- If your service area performed "below" for two consecutive years,, you then will have to **negotiate a multi-year improvement plan** with the commissioner. If no improvement is shown by the end of the multiyear plan, the next year's allocation must be decreased by 2.5 percent, to remain in effect until the service area performs within or above its Range of Expected Performance.

2. A **racial/ethnic disparity** is defined as a one-year Self Support Index that is five or more percentage points lower for a non-white racial/ethnic group than for the white group of MFIP/DWP-eligible adults in the county or consortium. The report "The Annual Summaries for counties of the Self Support and Work Participation performance measures"

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4214AG-ENG> on the MFIP Reports page includes a list of service areas that have a racial/ethnic disparity requiring action. (If your county has a disparity but data are missing for quarters with cell size too small to report, contact benjamin.jaques-leslie@state.mn.us to get the unpublished counts and percentage gaps.)

If your county or consortium is not in the list, skip the following question.

What strategies and action steps for each of the groups with disparities do you plan for the coming biennium to reduce these disparities?

Ramsey County MFIP/DWP outcomes have shown persistent disparities between White participants and African American and American Indian participants and more recently Hispanic participants. Ramsey County Workforce Solutions has developed and implemented multiple strategies over the previous biennium through an RFP process with new community-based employment services providers beginning January 1, 2020. The current MFIP/DWP direct service system further developed strategies that worked over the previous five years to include new or enhanced services, including:

- Extended families now remain at the same service provider. Previously, only Ramsey County staff served extended families. Extended families in Ramsey County are disproportionately represented by communities experiencing racial disparities and this change allows families experiencing disparate outcomes to remain at their chosen provider.
- Teen parents are served directly by Public Health nurses to ensure both mother and child are healthy and focused on achieving a high school diploma or GED.
- Young adult parents (ages 18 to 24) are served by the county in a specialized unit to better coordinate and connect with other youth services, including access to Public Health nurses, WIOA Youth programming, early child care and education, and connections to CARES and ARPA funded programming and technology.
- Families achieving success today (FAST) is a full-family, multi-disciplinary program that has demonstrated improved engagement, education achievement, employment hours and earnings. FAST expanded its capacity from 180 to 240 families in 2020 and is now expanding again to serve up to 360 families.
 - FAST began in 2011 as a federal demonstration project as part of a national study of innovative programs improving earnings for those with mental or physical health conditions.
 - It was then selected and funded by DHS to be a racial equity and disparity reduction project from 2014 to 2016.
 - Since 2016, FAST has been funded from the MFIP Consolidated Fund
 - Three years of additional funding from the federal government is allowing FAST to expand to 360 families beginning in September 2021.

In addition to direct services provided mostly by employment counselors, Ramsey County is deploying a series of additional efforts and models to reduce racial disparities.

- Partners for Equity efforts- Ramsey County WFS contracts with three culturally specific community-based organizations to deliver comprehensive, strength-based, and culturally specific family stability services to African-American, American Indian and Hispanic families receiving MFIP.

The current Partners for Equity are:

- Network for the development of Children of African Descent (NdCAD)
 - Provide full-family services to strengthen family well-being through cultural resiliency and literacy skills.
 - Parents develop a self-determinizing plan and complete a cultural training series, Parent Power, as a cohort.
 - Eligible children complete a literacy program, (Sankofa) proven to increase reading levels, often by several levels.
- American Indian Family Center (AIFC)
 - Provide employment services, trainings and cultural opportunities from one location to all American Indian MFIP families choosing the Center
 - Available social services and children's services co-located with MFIP employment services.
- Comunidades Latinas Unidas En Servicio (CLUES)
 - Provide a series of dynamic workshops engaging families about increasing personal power to achieve individual and family goals.

- Engage and empower through career and financial trainings.

Ramsey County engaged communities representing those experiencing disparities in MFIP/DWP outcomes to develop selection criteria for becoming Partner for Equity with WFS. Partners for Equity have each demonstrated:

- A mission rooted in the culture(s) and cultural identities of the participants and families served;
- A majority of the board and key executive leadership represent the race(s), ethnicities and cultures of the participants and families served;
- Employs or intends to employ management and direct service staff who, in part, reflect the race(s), ethnicities and cultures of the participants and families served;
- Services to increase participants' employability in a manner that both acknowledges and responds to the legacies of historical trauma, racism, inequality and poverty that have negatively affected access to, and success with, education and employment opportunities.
- Services that incorporate and build on participants' values, beliefs, worldviews, and traditions, many of which are rooted in or informed by culture and experience.

Cultural Consulting: Ramsey County values the communities we serve and the richness of consultation in a cultural context to better serve our families and residents in our employment and education programs. Through lending input and guidance, consultants are integral to our services and will be connected and engaged with communities experiencing racial disparities. Consultants will assist WFS with a number of interventions such as training, case consultations, policy and procedure review, coordination of community efforts and events, and community conversations. Cultural consultants were engaged even more heavily during the most recent biennium, most of which occurred during the first two years of the COVID-19 pandemic. Ramsey County further developed relationships in the community through a CARES funded Trusted Messenger program focused on providing pandemic-related information to community members who previously may not have trusted traditional government communications.

Community Engagement is a high-level priority for Ramsey County and WFS. Early in the COVID-19 pandemic WFS engaged a number of community-based organizations to identify gaps and needs in the community for traditional programming and for new resources the county would develop as part of the CARES allocation. WFS used input from community partners to develop groups of services targeting populations with historic racial and ethnic disparities. These efforts ultimately paved the way for WFS to partner with more than 80 community-based organizations serving primarily residents representing communities with disparities. New partners continue to emerge assisting WFS in communicating program information with the community and providing additional referral services to program participants. WFS continues to build its network in the community, increasing its capacity to engage communities, especially those experiencing disparate outcomes.

WFS has representation in the St Paul Indians in Action learning cohort which is comprised of 10 county leaders and 10 members of the American Indian community. The cohort meets regularly to develop countywide principles for all of Ramsey County's work that impacts the American Indian Community; it will give us an opportunity to re-evaluate, improve and modify our service delivery efforts.

D. Program Monitoring/Compliance

1. What procedures do you have in place to ensure that program funds are being used appropriately as directed in law? **Check all that apply**

- Budget control procedures for approving expenditures
- Cash management procedures for ensuring program income is used for permitted activities
- Internal policies around used of funds, i.e. participant support services

Other, please specify in the text box below.

Annual fiscal and program monitoring of employment service providers

2. What procedures do you have in place to ensure program policies are followed and applied accurately? **Check all that apply.**

- Case consultation
- Sample case review by supervisors
- Sample case review by workers

Other, please specify in the text box below.

Annual case file reviews by planners as part of annual monitoring visits

If your service area has not made changes to your random drug testing policy since the last BSA, go to Section E.

3. What procedures/policies do you have in place for administering random drug tests to MFIP participants who are convicted drug felons as required by Minnesota Statutes, section 256J.26, subdivision 1?

Check one.

- Written policy within the MFIP unit
- Coordination with Corrections
- Currently establishing new policy/procedure(s)
- Other, please specify in the text box below.

E. Collaboration and Communication with Others

1. How many employment services front-line staff in your county or consortium _____
How many employment services front line staff in your county or consortium have has MAXIS access? 100
How many managers/supervisors have MAXIS access? 12

2. Describe the process your service area uses to identify and resolve discrepancies between MAXIS and WF1 data in areas such as Family Stabilization Services coding, employment/hours, sanction status, etc.

Ramsey County Workforce Solutions MFIP employment services performance measures are data driven; the quality and integrity of that data is a priority. Ramsey County's strategy for data management incorporates access to the State of Minnesota's MAXIS Inquiry and Workforce One and the team of provider Data Specialists, WFS MIS, CHS FAS Management and Supervisors, and CHS Evaluators.

Ramsey County Workforce Solutions provides data and requires provider agencies to analyze and use data to ensure that outcomes are achieved and process improvements made. Providers are required to dedicate 1 FTE to a Data Specialist role, a staff person with responsibility to help the provider most effectively produce results through data use. The Data Specialist is in a key role to help staff members achieve and/or exceed the performance measures and indicators. The Data Specialist works with their agency Supervisors and staff through an active process focusing and intervening on the key components of each measure in order to achieve the highest performance.

The primary responsibility of the Data Specialist is the collection, use, management and interpretation of participant performance data, as well as guidance and instruction for staff and management. Familiarity and high-end use of Workforce One, Electronic Document Management System and Maxis Inquiry are required. Helping others develop incremental skills and move toward high-end user status in Workforce One is within the role of the Data Specialist.

F. Emergency Services

1. Does your county provide emergency or crisis services from your Consolidated Fund?

No

Yes

**Has your service area has made changes to your emergency services policy since the last BSA
If yes, please submit your emergency / crisis plan: Make sure the character limit is 9999.**

G. Other

Administrative Cap Waiver

Minnesota Family Investment Program (MFIP) allows counties to request a waiver of the MFIP administrative cap (currently at 7.5%) for providing supported employment, uncompensated work or community work experience program for a major segment of the county's MFIP population. Counties that are operating such a program may request up to 15% administrative costs.

If your county is interested in applying for the waiver for the coming biennium, please complete the following four questions.

1. Describe the activity(s) you will provide.

Over this biennium, Ramsey County will provide a supported work experience program that is designed to assist MFIP participants experiencing challenges in obtaining or maintaining public or private sector unsubsidized competitive employment. Participants engaged in the program will be placed in a subsidized work experience that will provide participants with work activities to develop new skills and enhance current skills, while providing an opportunity to gain work experience in a supportive work environment that builds confidence and gives participants an opportunity to explore other career options. Upon completion, participants will have acquired new skills, enhanced current skills, improve their soft-skills and be prepared for competitive public and private sector unsubsidized employment.

During the biennium, this program will place emphasis on family stability and the following strategic priorities:

- Reduce racial employment disparities
- Leverage strategic, purposeful partnerships
- Integrate the 4E success indicators – engagement, education, employment and employment retention into program
- Strengthen the WFS full family approach and family well-being measurement
- Leverage career pathway opportunities
- Increase WIOA and TANF program collaborations
- Increase staff skill development
- Pursue evaluation and continuous process improvement.

2. Explain the reasons for the increased administrative cost.

Ramsey County Workforce Solutions expects to exceed the 7.5% administrative cost cap. Additional administrative expenses will be incurred due to:

- 1) Use of consolidated fund dollars to continue the county-wide supported work experiences, targeting services for young parents and participants of African and American Indian descent;
- 2) Coordination and combination of unpaid work and paid work experiences and activities to maximize participant's employability.
- 3) Funds will be used to cover the cost of the planners and evaluators to conduct evaluation and reporting for supported work experience project along with costs to cover allocated accounting, grant administration, and program executive management personnel.
- 4) Supporting the provision of MIS and program technical guidance for the supported work experience, universal monitoring of program implementation, and ensure compliance with State and Federal rules and regulations related to the program.
- 5) Ramsey County continues to increase collaborative initiatives and programs between WIOA and MFIP/TANF, internal departments, colleges, Workforce Innovation Board and employers, thus increasing administrative expenses.

3. Describe the target population and number of people expected to be served.

Contingent on funding, Ramsey County plans to implement a supported work program for up to 100 MFIP participants with a specific focus on young parents, African American, American Indian and Latino participants. Work experiences will be paid prevailing wage and may be up to 200 hours. The goal is to partner supported work experience placements with career exploration and education that will lead

participant to secure better employment. As opportunities become available through grants and other funding, numbers served is anticipated to increase.

4. Describe how the unpaid work experience is designed to impart skills and what steps are taken to help participants move from unpaid work to paid work.

Unpaid work experience may be an option if the participant agrees to participate and/or the unpaid work experience meets following criteria:

- The participant has been unable to obtain or maintain paid employment in the competitive labor market and there are NO paid work experience programs available.
- The unpaid work experience provides specific skills or experience that cannot be obtained through other work activity options where the participant lives.
- The skills or experience result in higher wages than the participant would have been able to earn without the unpaid work experience.

Once the experience is completed, participants will get support for seeking unsubsidized work. All MFIP employment providers in Ramsey County have staff that function in roles that make connections with employers to secure placement of the participant into paid jobs and some have functioning employer advisory boards to provide advice and guidance to job development efforts.

Addendum for Unpaid Work Experience Activities

If your county is providing unpaid work experience activities for MFIP participants and you don't already have an Injury Protection Plan (IPP) in place, please click on [eDocs](#) to find any IPP forms that may be needed. Email the completed form to: Tria.chang@state.mn.us

Provider Choice

Does your county (select one):

- Have **at least two employment and training services providers**. Go to Section H.
- Have a **CareerForce center** that provides multiple employment and training services, offers multiple services options under a collaborative effort and can document that participants have choice among employment and training services designed to meet specialized needs. Go to Section H.
- Intend to submit a **financial hardship request**. See below.

Financial Hardship Request

FINANCIAL HARDSHIP - Exception to Choice of Employment Service Providers Requirement

MFIP provisions require counties to make a choice of at least two employment service providers available to participants unless a workforce center is being utilized (Minnesota Statutes, section [256J.50, subdivision 8](#)). Counties may request an exception if meeting this requirement results in a financial hardship (Minnesota Statutes, section [256J.50, subdivision 9](#)).

A financial hardship is defined as a county's inability to provide the minimum level of service for all programs if a disproportionate amount of the MFIP consolidated fund must be used to cover the costs of purchasing employment services from two providers or the cost of contracting with a workforce center.

To request approval of a financial hardship exception from the choice of provider requirement, please provide the following information.

1. If the county had a choice of providers in calendar year 2019, describe:
 - factors that have changed which indicate a financial hardship
 - why the hardship is expected to persist in the near future and
 - the magnitude of the hardship, which makes limiting delivery of employment services the best financial option for the county

2. Summarize options explored by the county, including use of other partners in a workforce center or other community agencies, such as a Community Action Program or a technical college. The summary should also include:
 - major factors which prevent the county from utilizing these options and include a cost analysis of each option considered; and
 - the process used to determine the cost of other options (RFP or other county process).

3. If the county proposes to directly deliver MFIP employment services, provide a budget and staffing plan that clearly indicates consolidated funds will not be used to supplant county funds. The description should include information about what steps will be taken to ensure that county staff have the experience and skills to deliver employment services.

Financial Hardship requests will be reviewed by The Department of Human Services (DHS) and the Department of Employment and Economic (DEED) leadership. DH) and DEED will also review the amount budgeted by the county for employment and training during calendar year 2021 and use this amount as a guide to determine whether the amount budgeted by the county for calendar year 2022 is reasonable.

If a financial hardship is approved, DHS and DEED will closely monitor county programs to ensure outcomes are achieved and services are being delivered consistent with state law. For additional info or if you have questions please email [Pamela McCauley](mailto:Pamela.McCauley@dcyf.ca.gov).

H. Budget

Click on the link below to review your service area's 2020 MFIP allocation and Federal Funding Sources:

[MFIP Consolidated Fund](#)

In the budget table below, indicate the amount and percentage for each item listed for the budget line items for calendar years 2022 - 2023 Also note:

- Refer the 2022-23 Minnesota Family Investment Program (MFIP) Biennial Service Agreement (BSA) Guidelines Bulletin section, “Allowable Services under MFIP Consolidated Fund.”
- Total percent must equal 100.
- MFIP administration is capped at 7.5 percent unless the county is approved for an administrative cap waiver. To apply for the administrative cap waiver, respond to the questions on Section G under Administrative Cap Waiver.
- The percentage of Employment Services DWP budget should be significantly less than, the Employment Services MFIP budget.
- Income maintenance administration is reasonable in comparison to the whole budget.
- Ensure the Emergency Assistance/Crisis Services plan is included if funds are allocated.
- If “other” is used, briefly state or describe the line item. “Other” expenditures include any costs that are not related to administering MFIP, DWP or Emergency program services or atypical costs. All services must be an allowable service under the MFIP Consolidated Fund.
- Email Brandon Riley at brandon.riley@state.mn.us, if you need assistance or have questions with the budget section.

Service Area:

2022 Budget (1/1/22 – 12/31/22) Budget Line Items	Budgeted Amount	Percent
Employment Services (DWP)	1,216,947.00	5.97%
Employment Services (MFIP)	10,882,521.00	53.42%
Emergency Services/Crisis Fund	2,880,643.00	14.14%
Administration (cap at 7.5% for county and 15% for tribe and county with administrative cap waiver)	2,165,200.00	10.63%
Income Maintenance Administration	3,055,643.00	15.00%
Incentives (Include the total amount of funds budgeted for participant incentives but don't include support services here)	50,000.00	0.25%
Other 200% Services	120,000.00	0.59%
Capital Expenditures	-	0.00%
Other 1		
Other 2		
Total:	20,370,954.00	100.00%

2023 Budget 12/31/23) Items (Estimated)	(1/1/23 – Budget Line	Budgeted Amount(Estimated)	Percent(Estimated)
Employment Services (DWP)		1,216,947.00	5.97%
Employment Services (MFIP)		10,882,521.00	53.42%
Emergency Services/Crisis Fund		2,880,643.00	14.14%
Administration (cap at 7.5% for county and 15% for tribe and county with administrative cap waiver)		2,165,200.00	10.63%
Income Maintenance Administration		3,055,643.00	15.00%
Incentives (Include the total amount of funds budgeted for participant incentives but don't include support services here)		50,000.00	0.25%
Other 200% Services		120,000.00	0.59%
Capital Expenditures		-	0.00%
Other 1			
Other 2			
Total:		20,370,954.00	100.00%

Certifications and Assurances

PUBLIC INPUT

Prior to submission, did the county solicit public input for at least 30 days on the contents of the agreement?

No Yes

Was public input received? No Yes

If received but not used, please explain.

ASSURANCES

It is understood and agreed by the county board that funds granted pursuant to this service agreement will be expended for the purposes outlined in Minnesota Statutes, section 256J; that the commissioner of the Minnesota Department of Human Services (hereafter department) has the authority to review and monitor compliance with the service agreement, that documentation of compliance will be available for audit; that the county shall make reasonable efforts to comply with all MFIP requirements, including efforts to identify and apply for available state and federal funding for services within the limits of available funding; and that the county agrees to operate MFIP in accordance with state law and federal law and guidance from the department.

Counties may use the funds for any allowable expenditures under subdivision 2, including case management outlined in Minnesota Statutes, section 256J.

This allocation is funded with 8% state funds and 92% federal TANF funds and paid quarterly.

Federal funds. Payments are to be made from federal funds. If at any time such funds become unavailable, this Agreement shall be terminated immediately upon written notice of such fact by STATE to County. In the event of such termination, County shall be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

- 1. *Pass-through requirements.*** County acknowledges that, if it is a subrecipient of federal funds under this Agreement, County may be subject to certain compliance obligations. County can view a table of these obligations in the [Health and Human Services Grants Policy Statement](#),¹ Exhibit 3 on page II-3. To the degree federal funds are used in this contract, STATE and County agree to comply with all pass-through requirements, including each Party's auditing requirements as stated in 2 C.F.R. § 200.332 (Requirements for pass-through entities) and 2 C.F.R. §§ 200.501-521 (Subpart F – Audit Requirements).² Counties (and all tiers of sub grantees) must comply with the U.S. Office of Management and Budget (OMB) Uniform Grant Guidance, Code of Federal Regulations, title 2, subtitle A, chapter II, part 200, as applicable (including modifications) in the administration of all DHS federally funded grants. https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. General Terms and Conditions for the Administration of Children & Families awards can be found here: [General Terms and Conditions \(hhs.gov\)](#), and are incorporated into this agreement by reference. Terms and Conditions specific to TANF funds can be found here: [TANF Official Terms & Conditions for State and Territories \(Arl 2021\) \(hhs.gov\)](#), and are incorporated into this agreement by reference.
- 2. *County:*** MN Dept of Human Services Ramsey (Must match the name associated with the DUNS number.)
- 3. *County's Data Universal Numbering System (DUNS) number:*** . The DUNS number is the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities and must match GRANTEE's name.
- 4. *Federal Award Identification Number (FAIN):*** 2201MNTANF and 2301MNTANF

1 <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>

2 <https://www.govinfo.gov/content/pkg/CFR-2018-title2-vol1/pdf/CFR-2018-title2-vol1-sec200-501.pdf>

- 5. *Federal Award Date:* October 1, 2022 (projected) (The date of the award to the MN Dept. of Human Services.)
- 6. *Period of Performance:* Start date: **January 1, 2022.** End date: **December 31, 2023.**
- 7. Budget period start and end date: January 1, 2022 – December 31, 2023
- 8. *Amount of federal funds:*
 - A. Total Amount Awarded to DHS for this project: \$103,290,000 (projected)
 - B. Total Amount Awarded by DHS for this project to county named above: See Budget Table in Section H of this Agreement.
- 9. *Federal Award Project description:* Temporary Assistance for Needy Families (TANF)
- 10. *Name:*
 - A. Federal Awarding Agency: Administration for Children and Families
 - B. MN Dept. of Human Services (DHS)
 - C. Contact information of DHS’s awarding official: Jovon Perry, Jovon.perry@state.mn.us
- 10. *CFDA Number & Name:* Payments are to be made from federal funds obtained by STATE through Catalog of Federal Domestic Assistance (CFDA) No. 93.558 (TANF)
- 11. Is this federal award related to research and development?: Yes No
- 12. Indirect Cost Rate for this federal award is: up to 15% (including if the *de minimis* rate is charged.)
- 13. Closeout terms and conditions for this federal award: County shall close-out its use of funds under this agreement by complying with the closeout procedures in [2 C.F.R. § 200.343](#). County’s obligations shall not end until all close-out requirements are completed. Terms specific to tangible personal property purchased with federal funds can be found here: [Property Guidance | The Administration for Children and Families \(hhs.gov\)](#)

SERVICE AGREEMENT CERTIFICATION

Checking this box certifies that this 2022- 2023 MFIP Biennial Service Agreement has been prepared as required and approved by the county board(s) under the provisions of Minnesota Statutes, section 256J. In the box below, state the name of the chair of the county board of commissioners or authorized designee, their mailing address and the name of the county.

Name (chair or designee)	Mailing address	County

If your county/tribal agency is unable to complete your BSA by October 15th, 2021 you will need to request an extension by clicking on the button below. Please provide additional information about why you were not able to compete this form.

DATE OF CERTIFICATION



Item Number: 2021-652

Meeting Date: 11/9/2021

Sponsor: Finance

Title

Presentation: American Rescue Plan Act Funding Request for Tier 1 Priority Administrative Items

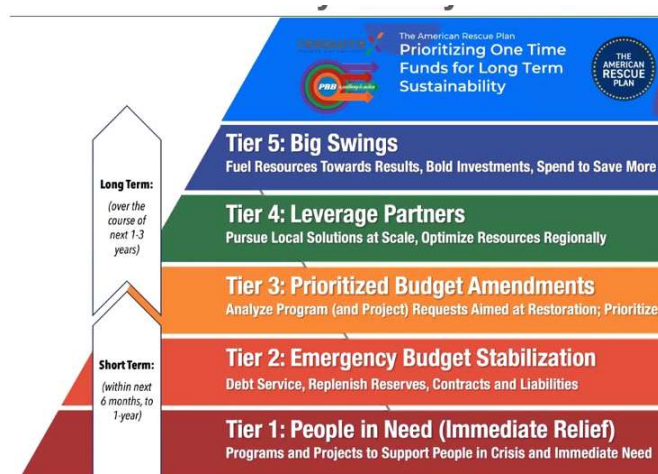
Recommendation

None. For information and discussion only.

Background and Rationale

The American Rescue Plan Act (ARPA) of 2021 was signed into law on March 11, 2021. The relief package provides funding in several areas such as state and local aid, education, rental assistance, transit, stimulus payments for individuals, and other provisions. In addition, ARPA provides \$350 billion in additional funding for state and local governments. Ramsey County received \$53,446,702 of the total grant amount of \$106,893,403 million from the US Treasury Local Government ARPA funds. The second installment will be sent to the county from the US Treasury in May 2022. The ARPA funding must be obligated by December 31, 2024 and can be spent through December 31, 2026. This allows time for planning and investment in various tiers from immediate needs through bold investments that impact the systems and residents of Ramsey County.

In April and August 2021, the County Manager presented an overall approach to the ARPA funding for the county. In the diagram below, it shows five tiers ranging from Tier 1 which is focused on immediate needs up through Tier 5, which is longer term, transformational investments. Since the presentations, several proposals have come to the Ramsey County Board for consideration and have been approved. They include Right Track + workforce initiative (\$2.1 million), affordable housing investment (\$20 million) and the Racial Equity and Community Engagement Response Team (RECERT) work (\$2.7 million). This Request for Board Action is seeking authority for several Tier 1 immediate needs for work throughout the county. Below is a list of each area and explanation of the proposed investment.



Public Health - \$2 million

In March 2020, Coronavirus was declared a public health emergency nationally and locally impacting the residents in Ramsey County. Since that time Saint-Paul Ramsey County Public Health (SPRCPH) has worked through an incident command structure to respond to the pandemic. Currently SPRCPH is working to sustain and operationalize its COVID-19 response. At the same time the department is working towards recovery and building resiliency during this ongoing crisis by restoring and maintaining critical public health programs, services and initiatives that contribute to the overall health and wellness of Ramsey County residents.

SPRCPH will dedicate \$1 million in ARPA funding to the immediate needs of the department and community by:

- Sustaining staff capacity through limited duration staff in the areas of logistics, vaccine operations, essential services, school health, public information, community engagement, and outreach with a focus on reducing the impact of COVID-19 among school-aged kids and families, young adults, specific neighborhoods in the county with lower vaccine uptake, and its racially and ethnically diverse communities.
- Extending the vaccine incentive program.
- Continuing to leverage partnerships with health care services and Federally Qualified Health Care Clinics to provide mobile testing and other important public health services that aid the county in our ongoing response and recovery efforts.
- Working with community partners and key stakeholders to identify gaps and opportunities in response efforts that may result in engagement and outreach activities that aid the county in reducing the impact of COVID-19.

SPRCPH will dedicate \$1 million in ARPA funding to the short-term and long-term recovery efforts of the department and in community by: (1) increasing awareness and access to critical public health services and programs that were impacted by COVID-19; (2) continuing to build capacity to provide health education and resources to community that promote and strengthen engagement as Public Health moves forward to have a positive impact on residents and the environment during its ongoing response and recovery efforts; and (3) working to address emerging public health crises that have been exacerbated due to COVID-19 such as violence prevention, mental health promotion, and reducing the burden and impact of disease among the most vulnerable communities.

Homeless Project (COVID Shelters) - \$5.1 million

In early 2021, the Ramsey County Board established a homelessness project and authorized the transfer of up to \$20 million to help continue the county's COVID related homelessness response through May 2022. At the close out of the CARES grant, about \$17.9 million was transferred to the Homeless Project. Staff is now requesting an additional \$2.1 million in ARPA funds to achieve the \$20 million goal. In addition, based on on-going needs for homelessness supports and current financial projections, staff is requesting an additional \$3 million in funding to continue shelter support, benefits navigation, and housing search services, and other expenses needed to keep the county operated COVID shelters open through May 2022. Staff will continue to monitor this work, refine financial forecasts and may return to the Ramsey County Board in the future with additional information and potential funding request. The total Homeless Project request included is \$5.1 million.

Administration - \$2 million

Since March 2020, the county has worked to build supports around the COVID related funding including contract monitoring and technical assistance, program evaluation, sub-recipient monitoring and contract services for review and audit of federal funds. Over the past year and a half, the county has learned more about its needs and built teams to help ensure the work is done to meet federal funding requirements. The county is working to respond to community input received, particularly around contracting.

The \$2 million requested will invest in continuing the Operational Support Services work to complete the

reporting, contracting, subrecipient monitoring and accounting related to ARPA. This work will continue throughout the life of the grant but will decrease over time. In addition, Ramsey County is working to bring up a program evaluation team, similar to the CARES evaluation team, that will be funded through this allocation. Once the detail of that team is established, the Evaluation team and Finance will return to the board to present the plan in a workshop.

Direct Care - \$1 million

The ongoing pandemic has had a significant impact on direct care facilities including staffing, COVID-19 care, testing requirements, referrals and much more. Lake Owasso Residence (LOR) and the Ramsey County Care Center (RCCC) have both experienced these impacts and are requesting \$1,000,000 to help address the needs within the facilities. At LOR, residents who previously attended day programs were forced to stay home when those programs closed. Even though a few day programs have re-opened, most services are offered on a very part-time schedule requiring LOR to have minimum staff/client ratios maintained per Centers for Medicaid and Medicare Services (CMS) and Minnesota Department of Human Services (DHS) regulations. LOR is also obligated to provide on-site services during the day and have struggled, despite multiple rounds of posting and hiring to fill day shifts, ultimately resulting in increased overtime expenses.

At RCCC, additional staff have been needed to satisfy CMS/MDH requirements including COVID screening at the door, scheduling, escorting essential caregivers and visitors, and COVID testing of all staff and residents. RCCC staff administers vaccinations to staff, residents, and others as RCCC is a secondary vaccination site. At the same time, RCCC has been unable to hire Registered Nurses in an extremely competitive market, and the shortage of nurses has resulted in referrals being turned away, less clients being admitted to the RCCC, and a subsequent loss in revenue.

County Attorney - \$1.1 million

Because of the multiple court shutdowns caused by the COVID-19 pandemic and the inability to conduct in-person trials for the better part of 19 months, the Ramsey County Attorney’s Office is faced with an unprecedented backlog of felony cases. This has resulted in an increase in the current caseload for adult felony Trials Division prosecutors, exceeding two to three times the average caseload they had prior to the COVID-19 court shutdown. Court administration estimates that it could take as long as five years to reduce this backlog to pre-pandemic levels. This situation is not unique to Ramsey County as many prosecutor offices throughout the nation are facing similar case backlog crises caused by the pandemic, resulting in nationwide staffing increases being necessary in both prosecution and public defenders offices, along with the judicial branch.

Among the steps being taken by the Second Judicial District to address the backlog include the shifting of some judicial resources from non-criminal assignments to adult felony assignments and the use of retired senior judges from outside of the district. Another innovative plan from the courts is the creation of a special property crimes court that would focus on the approximately over 700 property-related crimes that comprise the case backlog. This plan would require at least 2.0 Full Time Equivalent (FTE) prosecutors and related support staff to be assigned exclusively to this special court. Although backlog-driven staffing increases have occurred in both the Second Judicial District and the Ramsey County Public Defender’s Office, the Ramsey County Attorney’s Office, regrettably is unable to staff that court with its present complement of prosecutors. It is for this reason that like many prosecutor offices across the nation, the Ramsey County Attorney’s Office is requesting an additional \$1.1 million to hire 5.2 FTEs in additional prosecutorial staff to enable the Ramsey County Attorney’s Office in partnership with its Second Judicial District partners to work through the felony case backlog.

County Goals (Check those advanced by Action)

- Well-being
- Prosperity
- Opportunity
- Accountability

Racial Equity Impact

The programs proposed through the COVID-19 related funding seek to specifically address and overcome issues of existing inequality based on race, ethnicity, class and culture in Ramsey County. This need for a racially equitable response is further underscored by the disproportionate impact that COVID-19 has had on African American, American Indian, and other underrepresented racially and ethnically diverse communities of across the United States. Through focused and targeted engagement efforts, trusted messengers, data collection and continued engagement with community members that can guide program alterations in real-time, Ramsey County will ensure that the processes it employs align with the outcomes the community is seeking.

Community Participation Level and Impact

Throughout 2020 and 2021, Ramsey County has conducted community engagement around COVID-19 issues. The Racial and Health Equity Administrators hosted a series of community engagement events specifically around food and basic needs, workforce solutions and RECERT to help inform ARPA funding decisions. This information has informed the Request for Board Actions brought forward for immediate needs items (Tier 1) and will inform future longer term investments.

Inform Consult Involve Collaborate Empower

Fiscal Impact

The proposals above include a total request of \$11.22 million for spending and obligations through December 31, 2024. If approved, the total ARPA committed funds including workforce, affordable housing and RECERT, is \$36 million out of the \$53.4 million Ramsey County has received. Funding included in the proposed 2022-23 budget will be from the May 2022 ARPA award. All ARPA funding is accounted for in separate projects and Finance will provide regular reports to the Ramsey County Board and public.

County Manager Comments

No additional comments.

Last Previous Action

On August 3, 2021, County Manager Presentation to the Ramsey County Board- Update on American Rescue Plan Act funding.

On June 1, 2021, the Ramsey County Board authorized the County Manager to accept \$53,446,702 from the US Treasury Local Government American Rescue Plan Act funds. (Resolution B2021-121).

Attachments

1. None.